



# The Gazette of India.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### LEGISLATIVE DEPARTMENT.

#### NOTIFICATIONS.

*Simla, the 7th November, 1912.*

No. 58.—Dr. Sarat Chandra Banerjee, Rai Bahadur, M.A., D.L., Legal Assistant in the Legislative Department of the Government of India, is granted privilege leave for 1 month and 14 days, under Articles 246 and 260 of the Civil Service Regulations, with effect from the 9th November, 1912, or any subsequent date on which he may avail himself of it.

No. 59.—The Governor General is pleased to accept the resignation by the Hon'ble Mr. Frank Campbell Gates, C.S.I., I.C.S., of his office of Additional Member of the Legislative Council of the Governor General.

No. 60.—*Corrigendum.*—In Legislative Department Notification No. 49, dated the 5th October, 1912, published in Part I of the *Gazette of India* of that date, for "Attesting Officer" in paragraph No. 22 read "Returning Officer."

W. H. VINCENT,

*Secretary to the Government of India.*

( 1233 )

## HOME DEPARTMENT.

## NOTIFICATIONS.

## JAILS.

*Simla, the 5th November, 1912.*

No. 335.—The services of Captain W. T. Finlayson, I.M.S., Superintendent of the Borstal Central Jail at Lahore, are placed permanently at the disposal of the Government of the Punjab with effect from the 20th June 1911, for employment in the Jail Department.

## PORT BLAIR.

*The 4th November, 1912.*

No. 451.—Mirza Aslam Beg, Officiating 7th Assistant Superintendent, Port Blair, is granted extraordinary leave without allowances for four days in continuation of that granted to him in the Home Department Notification No. 412 (Port Blair), dated the 23rd September 1912.

H. WHEELER,

*Secretary to the Government of India.*

## NOTIFICATION BY THE CHIEF COMMISSIONER OF ASSAM.

## MUNICIPAL DEPARTMENT.

*Shillong, the 14th October, 1912.*

No. 3810-M.—In exercise of the powers conferred by sections 5 and 5A. of the Scheduled Districts Act, XIV of 1874, and with the previous sanction of the Governor General in Council, the Chief Commissioner of Assam is pleased to extend the Bengal Municipal Act, 1884 (Bengal Act III of 1884), to the Municipality of Silchar in the district of Cachar: provided that for the purposes of the said Act so extended, all references therein to the *Calcutta Gazette* shall be read as references to the *Assam Gazette*.

W. M. KENNEDY,

*Second Secretary to the Chief Commissioner of Assam.*

## FOREIGN DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 6th November, 1912.*

No. 3034-Est.-A.—Lieutenant-Colonel T. W. Haig of the Political Department is granted privilege leave for 2 months and twenty two days combined with special leave for three months and nine days with effect from the 28th October, 1912, under Articles 233 and 316, Civil Service Regulations.

No. 3035-Est.-A.—Major W. F. T. O'Connor, C.I.E., of the Political Department, on return from leave, was posted temporarily as His Britannic Majesty's Consul for Kerman and Persian Baluchistan and ex-officio Assistant to the Political Resident in the Persian Gulf from the 28th to the 30th October, 1912.

No. 3036-Est.-A.—Captain D. L. R. Lorimer of the Political Department is posted as His Britannic Majesty's Consul for Kerman and Persian Baluchistan and ex-officio Assistant to the Political Resident in the Persian Gulf with effect from the 31st October, 1912.

No. 3045-Est.-B.—Captain H. St. G. S. Scott, 2nd Battalion, 4th Gurkha Rifles, is appointed Inspector of Signalling, Imperial Service Troops, with effect from the 1st November, 1912.

**No. 3049-Est.-A.**—Lieutenant-Colonel W. C. R. Stratton, C.I.E., of the Political Department, is granted privilege leave for three months combined with furlough for three months, with effect from the 4th November, 1912, under Articles 233 and 308 (b), Civil Service Regulations.

*The 7th November, 1912.*

**No. 2307-G.**—With the sanction of His Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Count von Luxburg as Consul General for Germany at Calcutta.

**No. 2320-I. B.**—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor-General in Council is pleased to direct that the following amendment shall be made in the Hyderabad Intoxicating Drugs Law, 1911, published with the Notification of the Government of India in the Foreign Department, No. 2588-I. B., dated the 22nd November, 1911, *vis.*

To section 14 the following clause shall be added :

"(5) to such other medicinal preparations of the poppy and coca plants as may from time to time be declared by the Resident to be exempt from the provisions of this law."

A. H. MCMAHON,

*Secretary to the Government of India.*

## FINANCE DEPARTMENT.

### NOTIFICATIONS.

#### LEAVE AND APPOINTMENTS.

*Simla, the 4th November, 1912.*

**No. 869-F. E.**—Mr. U. L. Majumdar, Officiating Comptroller, India Treasuries, has been granted privilege leave for 20 days with effect from the 29th October 1912.

Mr. R. Waterfield has been appointed to officiate as Comptroller, India Treasuries, with effect from the 29th October 1912, during the absence on privilege leave of Mr. U. L. Majumdar or until further orders.

*The 5th November, 1912.*

**No. 874-F. E.**—Mr. H. L. French, I.S.O., is appointed substantively as Registrar, Government of India, Finance Department Secretariat, with effect from the 1st November 1912.

**No. 875-F. E.**—In consequence of the appointment of Mr. H. L. French, I.S.O., as Registrar, the following promotions in the classes of Superintendents in the Government of India, Finance Department Secretariat, are notified—

With effect from the 1st November 1912—

Mr. H. D. Gupta is confirmed in Class I.

Mr. Mohammad Hasan Khan is confirmed in Class II,  
and

Mr. G. W. C. Bradey is confirmed in Class III.

### SEPARATE REVENUE

#### STAMPS.

##### *Non-Judicial.*

*The 5th November, 1912.*

**No. 513-F.**—In exercise of the powers conferred by the Indian Stamp Act, 1899 (II of 1899), the Governor General is pleased to cancel clause (d) of rule 8 of the rules published with the Notification of the Government of India in the Finance Department No. 3632-Exc., dated the 29th June 1906, as subsequently amended.



ACCOUNTS AND FINANCE.  
LOANS AND ADVANCES.

*The 8th November, 1912.*

**No. 745-A.**—In exercise of the powers conferred by section 5 of the Local Authorities Loan Act, 1879 (XI of 1879), the Governor General in Council is pleased to make the following rules for the grant of loans to Local Authorities in British Baluchistan by the Government :—

1. These rules shall come into force at once.

2. In these rules—

(i) " The Act " means the Local Authorities Loan Act, 1879 ;

(ii) " The Local Authority " means the Local Authority applying for or, as the case may be, receiving or having received the loan ;

(iii) " Loan " means a loan under the Act.

3. A loan shall not be granted except for a work of public utility—

(a) within the local limits of the area subject to the control of the local authority, or

(b) for the benefit of the inhabitants within those limits.

4. The term of a loan shall not, except with the previous sanction of the Government of India, extend over a period exceeding twenty years.

(NOTE.—The term should be calculated from the date on which the loan is completely made.)

5. In the case of loans for works or in connection with works which are mainly ornamental or convenient, such as a town hall, public garden or market place, the term shall not, except with the previous sanction of the Government of India, exceed ten years.

(NOTE.—The term should be calculated from the date on which the loan is completely made.)

6. Without the previous sanction of the Government of India a loan shall not be made at a lower rate of interest than 4 per cent.

7. An application for a loan shall state :—

1st.—the work for which the loan is required and an estimate of the cost of the entire work or of such part of it as it is proposed to meet from loan funds ;

2nd.—the amount which it is proposed to borrow ;

3rd.—the fund on the security of which it is proposed to borrow ;

4th.—the Law under which the said fund is levied, received or held ;

5th.—the period for which the loan is required, the number and amount of the instalments, if any, in which it is proposed that the loan shall be taken, the dates proposed for receiving such instalments and the instalments, if any, in which it is proposed to repay the loan ;

6th.—the rate of interest at which it is proposed to borrow ;

7th.—a detailed account of the revenue and expenditure of the Local Authority for the 3 last preceding years ;

(NOTE.—The receipt side of the account should show only ordinary revenue. Receipts from loans or deposits or the investments of sinking funds should be excluded, as well as items of abnormal character, which should be indicated separately when required. On the expenditure side interest on debt and any payments to a sinking fund should be included, but all expenditure from loan funds and repayment of advances or deposits should be excluded. A full explanation should be given of all important variations in the amounts of revenue and expenditure.)

8th.—all existing prior charges upon the funds of the Local Authority.

8. The Local Government shall cause such inquiry as it thinks necessary or expedient to be made into the statements obtained in the application and into the use and value of the work for which the loan is proposed.

9. If it appears to the Local Government that the loan ought not to be granted, it shall reject the application.

10. If it appears to the Local Government probable that the loan ought to be granted, it shall cause to be published in the *Gazette of India*, and otherwise as it deems fit within the local limits of the areas subject to the control of the Local Authority, a copy of the application and such particulars in regard to any inquiry made under rule 8 as it may think necessary.

11. After the expiry of one month from such application and after calling for any further information which it may require, and considering any objections which may be preferred, the Local Government may either reject the application, or grant the loan if funds are available from the grant placed at its disposal for the purpose; provided that when the sanction of the Government of India is required under rule 4, 5 or 6, or when the amount of the loan exceeds Rs. 15,000, the Local Government, if it approves the application, shall not itself proceed to sanction it, but shall refer it for the orders of the Governor General in Council.

12. The Local Government shall make such provisions as may seem to be necessary for the proper inspection of all works which are being carried out by means of a loan, and for ascertaining and securing that the loan is duly applied to the work for which it has been made, and that, when the work for which a loan has been granted is completed, any unexpended balance of such loan is not employed otherwise than in accordance with rule 13. Every such work and the accounts connected therewith shall be open at all times to the inspection of the Superintending or Executive Engineer in whose Division the work is situated and of any person who may be authorised to inspect the accounts of the Local Authority, and of any other person specially authorised by the Local Government in this behalf.

13. If on the completion of the work for which a loan has been taken, the Local Government is satisfied that the whole of the loan has not been spent on the work, it shall direct that the unexpended balance be forthwith repaid to Government and the principal of the debt be reduced by an equivalent amount. The Local Government may direct such variation as it may consider necessary on this account in the instalments fixed for the liquidation of the loan.

14. If the Local Government considers that the conditions on which the loan was granted have not been fulfilled, or that the Local Authority has failed to comply with any of the requirements of these rules, it may, at any time, order that no further payments shall be made on account of such loan, and recover the amount advanced, with interest thereon, in the manner mentioned in section 6 of the Act.

15. (1) Interest shall be charged yearly or half yearly, as the Local Government may determine, on each loan at the rate agreed upon, and shall be reckoned and paid on each instalment from the date on which it is received.

(2) A penal rate of compound interest not less than six per cent per annum, shall be payable, at the discretion of the Local Government, upon all over-due instalments of interest or of principal and interest.

16. The Local Authority may, at any time, with the previous consent of the Local Government, repay the whole or any part of the loan in advance of the period fixed by the conditions of the loan.

17. The cost of any inquiry made under rule 8, of advertisements published under rule 10, of inspections made under rule 12, and of any other proceedings by order of the Local Government or the Governor General in Council under these rules, shall be determined by the Local Government, and shall be paid by the Local Authority.

18. (1) The accounts of every loan shall be kept by the Comptroller, India Treasuries.

(2) The Local Authority shall give to the Comptroller, India Treasuries and the Local Government any information which they may require regarding the expenditure of the loan and regarding its funds.

19. An attachment of any funds under section 6 of the Act shall be made by a notice to the Local Authority prohibiting the collection or management of such funds by the Local Authority, and vesting the administration thereof in such officer as the Local Government may appoint. Such notice shall be published in

the *Gazette of India* and otherwise, as may be directed by the Local Government, within the local limits of the area subject to the control of the Local Authority. The moneys collected or received under such attachment shall be paid into the Government Treasury, and the accounts of money so collected and of the cost of collection, shall be prepared in such form as the Local Government may from time to time direct. A copy of the accounts shall be delivered to the Local Authority, and published in the *Gazette of India*.

R. W. GILLAN,

*Secretary to the Government of India.*

#### FINANCE DEPARTMENT (MILITARY FINANCE).

##### NOTIFICATIONS.

##### LEAVE AND APPOINTMENTS.

*Simla, the 7th November, 1912.*

**No. 1364-Accts.**—The following officiating appointment of a Deputy Examiner, 2nd grade, Military Accounts Department, is made, with effect from the date specified:—

*From the 22nd October 1912, vice Major E. B. Peacock on deputation to the Finance Department (Military Finance).*

Mr. C. Gonsalves to officiate as Deputy Examiner, 2nd grade.

*The 8th November 1912.*

**No. 1369-Accts.**—The undermentioned officer has been granted an extension of leave by the Most Hon'ble the Secretary of State for India:—

Mr. C. H. Borthwick, B.A., Military Accountant, 2nd class, Military Accounts Department, (Medical Certificate) for three months.

W. H. MICHAEL,

*Offg. Joint Secretary to the Government of India.*

#### PUBLIC WORKS DEPARTMENT.

##### NOTIFICATIONS.

*Simla, the 8th November, 1912.*

**No. 58.**—Mr. Edgar Allen Nunn, Sub-Engineer, 2nd grade, United Provinces, is appointed to the Provincial Service of the Engineer Branch of the Public Works Department as an Assistant Engineer and is posted to the United Provinces.

**No. 59.**—Mr. Percy John McLean, Sub-Engineer, 1st grade, Burma, is appointed to the Provincial Service of the Engineer Branch of the Public Works Department as an Assistant Engineer and is posted to Burma.

W. B. GORDON,

*Secretary to the Government of India.*

#### DEPARTMENT OF REVENUE AND AGRICULTURE.

##### NOTIFICATIONS.

##### AGRICULTURE.

*Simla, the 5th November, 1912.*

**No. 1094-266-7.**—In supersession of this Department's Notification No. 1030, dated the 24th October 1912, Mr. H. E. Annett, Supernumerary Agricultural Chemist in the Imperial Department of Agriculture is granted privilege leave for two months and fifteen days under Articles 246 and 260 of the Civil Service Regulations combined with study leave for ten months under rules 2 and 4 of Appendix 32 of the Civil Service Regulations with effect from the 12th November 1912, or the subsequent date on which he may avail himself of it.

*The 6th November, 1912.*

**No. 1098-178-27.**—Mr. H. Maxwell-Lefroy, M.A., F.E.S., F.Z.S., Imperial Entomologist, Pusa, is permitted to resign his appointment in the Indian Agricultural Service with effect from the 1st December 1912.



*The 7th November, 1912.*

No. 1103-99-8.—Mr. J. H. Walton is appointed to be Supernumerary Agricultural Bacteriologist in the Imperial Department of Agriculture in India with effect from the 25th October 1912.

No. 3117-355.—Mr. H. S. Heysham, Superintendent, 1st grade, Department of Revenue and Agriculture, is placed on special duty with effect from the 16th November 1912 in connection with the weeding of the records of the Department at Calcutta.

E. D. MACLAGAN,

*Secretary to the Government of India.*

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## DEPARTMENT OF COMMERCE AND INDUSTRY.

### NOTIFICATIONS.

#### CUSTOMS ESTABLISHMENT.

*Simla, the 9th November, 1912.*

No. 8286-2.—Mr. F. D. Lalkaka, an Assistant Collector in Class IV of the Imperial Customs Service, is granted privilege leave for twenty days with effect from the 11th November 1912, or such subsequent date as he may avail himself of the leave.

No. 8374-2.—The services of Mr. N. Walker, I.C.S., an officiating Assistant Collector in Class II of the Imperial Customs Service, are placed at the disposal of the Finance Department with effect from the 15th November 1912.

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### GENERAL.

*The 9th November, 1912.*

No. 8421-35.—Mr. H. J. C. Joakim, *sub pro tem* Secretariat Superintendent, 3rd grade, is permitted to retire from the public service with effect from the 1st November 1912.

Mr. C. H. Baldrey, Secretariat Assistant, 2nd grade, is appointed as *sub pro tem* Superintendent, 3rd grade, *vice* Mr. H. J. C. Joakim.

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### POST OFFICE.

*The 9th November, 1912.*

No. 8296-159.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), as amended by the Indian Post Office (Amendment) Act, 1912 (III of 1912), the Governor General in Council is pleased to direct that the undermentioned amendments shall be made in the rules published with the Notification of the Government of India in this Department No. 7397-225, dated the 5th August 1908, as subsequently amended :—

*Insert the following new rule below rule 25 :—*

25-A. (1) Every parcel posted at or addressed to Aden; or Bagdad or Basrah, in Turkish Arabia; or Bandarabas, Bushire, Jask, Linga, or Mohammerah, in Persia, shall be accompanied by a declaration in such form as may be, from time to time, prescribed by the Director-General, containing a statement signed by the sender, as to the nature of its contents and their value.

(2) This rule shall apply also to parcels posted at or addressed to such other places as the Director-General may, from time to time, notify in the *Post Office Guide*, as requiring declarations to be presented with them.

2. In the next rule, for the number 25-A substitute 25-B.

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### SALT.

*The 9th November, 1912.*

No. 8242-89.—In continuation of the notification in this Department No. 7368-89, dated the 5th October 1912, Mr. A. H. C. Chill, Officiating Superintendent, Northern India Salt Revenue Department, is granted an extension of privilege leave for one month.

R. E. ENTHOVEN,

*Secretary to the Government of India.*

## DEPARTMENT OF EDUCATION.

## NOTIFICATION.

## ARCHÆOLOGY.

*Simla, the 7th November, 1912.*

**No. 375-A. & E.**—The services of Mr. H. Hargreaves of the Subordinate Educational Service, Punjab, who was employed in the Archæological Department, are replaced at the disposal of the Government of the Punjab with effect from the 3rd July 1912.

L. C. PORTER,

*Secretary to the Government of India.*

## NOTIFICATION BY THE CHIEF COMMISSIONER OF DELHI.

*Dated the 29th October, 1912.*

**No. 413.**—Under Sections 10 and 16 of the Punjab Motor Vehicles Act, 1907 (II of 1907), it is hereby notified that the Chief Commissioner of Delhi intends to make the following rules to regulate the use of motor vehicles in the Province of Delhi, and any person having objections to bring forward should do so before the 1st December 1912.

*Rules for the driving, etc., of Motor Vehicles in the Delhi Province issued under Section 10, Act II of 1907 (The Punjab Motor Vehicles Act).*

1. All persons desiring to drive motor vehicles in the Delhi Province must first obtain an annual *driving* license from the District Magistrate under Section 2 (2) Act II (Punjab) of 1907.
2. Driving licenses in Form A attached are issued to have effect from April 1st, to March 31st inclusive, persons, who have obtained licenses from the District Magistrate of a District other than Delhi must, before driving within the Delhi Province, register their licenses at the office of the Superintendent of Police, Delhi.
3. All owners, before using their motor vehicles within the Delhi Province, must *register* them at the office of the Superintendent of Police and must obtain from him a license to own a motor vehicle in Form B attached. The *registration* fee for such is Rs. 5.
4. Rules 2 and 3 above do not apply to drivers and car owners whose stay in Delhi Province does not exceed 15 days.
5. The Superintendent of Police will assign to the owner, after payment of the fee, an identification number to be affixed in conspicuous places on the vehicle.

The identification mark assigned by the Superintendent of Police shall consist of the letter D and a number of the following dimensions painted on plates which shall be rigidly affixed in conspicuous places, one on the front and the other on the back of the motor vehicle :—

Height of each figure  $3\frac{1}{2}$  inches, uniform thickness  $\frac{1}{4}$  inch, each figure occupying a space of  $2\frac{1}{2}$  inches with inch between each figure, and a margin  $\frac{1}{4}$  inch at the top, bottom and sides of the plate.

Provided that in the case of motor bicycles the plate fixed on the front part of the cycle shall have duplicate faces and be fixed so that from whichever side the cycle is viewed the letters and figures on one or other face are easily distinguishable: and further that the size of the letters and figures may be proportionately reduced to a height of  $1\frac{3}{4}$  inches.

No number shall in any way be obscured, or rendered, or allowed to become not easily discernible at a reasonable distance.



6. Every transfer of ownership of a motor-vehicle registered under these rules must forthwith be reported to the Superintendent of Police by the registered owner and by the transferee jointly. No charge will be made for recording a transfer of ownership.

7. No person shall drive a motor-vehicle during the period commencing half an hour after sunset and ending half an hour before sunrise unless such vehicle is provided with lights as follows:—

(1) In the case of vehicles other than motor-cycles:—

(a) one lamp showing a white light in front shall be affixed on each side of the front portion of the vehicle;

(b) one lamp showing a red light at the rear and showing a white light at the side shall be affixed at the back of the vehicle in such a manner as to illuminate with the white light and render easily distinguishable the number of the vehicle.

(2) In the case of motor-cycles:—

One lamp showing a white light in front shall be affixed to the motor-cycle in such a way that the number is discernible.

(3) In all cases:—

(a) The lamps shall be of suitable character and illumination.

(b) The lamps shall be kept properly alight.

(c) Where acetylene or electric lamps or lamps of any description giving a powerful and intense light are used the same shall be properly hooded and screened to the satisfaction of the Superintendent of Police.

*N.B.*—The lighting up time as advertised by the police on notice boards shall be considered to be half an hour after sunset.

8. Within the limits of the Delhi Municipality, Cantonment and Civil Station area, motor-vehicles may not be driven at a pace exceeding 15 miles per hour, and in all cases drivers are enjoined to drive with due regard to public safety. In localities of special danger, where notices are posted further restricting the speed of cars, the speed so fixed may not be exceeded.

9. Every person driving a motor-vehicle shall have ready and available for immediate use a suitable horn or other instrument, not being a bell, capable of giving audible and sufficient warning of his approach or position, and shall sound the same whenever expedient to prevent danger to any of the public. The Superintendent of Police shall have authority to prohibit the use of instruments of a type which are likely to cause inconvenience or annoyance to the public.

10. No person shall leave a motor-vehicle or keep it standing in a street at night without at least one lighted lamp of suitable character and illumination.

11. No person in charge of a motor-vehicle shall allow it to stand in any street unattended, unless the engine has been stopped and all reasonable precautions have been taken to ensure that it cannot be put in motion accidentally.

12. All motor-vehicles shall be provided with a silencer which shall not be disconnected from the Engine while the Engine is running.

No person shall cause or permit the emission of smoke or visible vapour from a motor car in such quantity as to cause annoyance or danger to the public.

13. In the event of the registered owner of a car being called upon by a Magistrate or Police Officer to disclose the name or whereabouts of the driver of his motor-vehicle on any particular occasion, he shall be legally bound to furnish such information.

14. Any person who contravenes the foregoing rules shall be liable, on conviction by a Magistrate, to such penalties as are laid down in Act II of 1907.

No. OF 191

A.

## DRIVING LICENSE

granted under Section 2 (2) of Punjab Act II of 1907. (The Punjab Motor Vehicles Act).

\*(Name)

(Address)

having paid a fee of Rs. 2 is hereby permitted to drive a motor vehicle within the Province of Delhi for a period of one year from this date.

Date .....

District Magistrate.

\* In the case of natives of India, the father's name and caste or tribe should be added.

No. OF 191 .

B.

## REGISTRATION CERTIFICATE

issued in accordance with the provisions of section of Punjab Act II of 1907. (The Punjab Motor Vehicles Act).

(Name)

(Address)

having paid Rs. 5 for the registration of his Motor <sup>car</sup> <sub>cycle</sub> is permitted to use such motor-vehicle in the Delhi Province. The identification number assigned to the vehicle is

D. 

Superintendent of Police.

Dated.....

N.B.—(1) In the case of natives of India the father's name and caste or tribe should be added.  
(2) If this motor-vehicle is sold or alienated, the parties to the transaction must report the transfer to the Superintendent of Police and a new certificate free of charge will be issued to the new owner.

W. M. HAILEY,  
Chief Commissioner, Delhi Province.



## ARMY DEPARTMENT.

*Simla, the 8th November 1912.*

### COMMANDS.

No. 1049.—Major-General R. L. Payne, C.B., D.S.O., British Service, to be a Divisional Commander, *vice* Lieutenant-General Sir A. A. Pearson, K.C.B., Indian Army. Dated the 30th October 1912.

### LONDON GAZETTE.

No. 1050.—The following extract is published for general information:—

*"London Gazette," dated the 18th October 1912, page 7690.*

\* \* \* \* \*

*India Office,*

*October 18, 1912.*

The KING has approved of the promotion of the following Officers of the Indian Army and Indian Army Departments:—

#### INDIAN ARMY.

*Majors to be Lieutenant-Colonels.*

Dated 1st September 1912.

Charles Joseph Windham, Supernumerary List.

Dated 8th September 1912.

Albert William Andrew, 116th Mahrattas.

#### INDIAN ARMY DEPARTMENTS.

*Deputy Commissary with the Honorary rank of Captain to be Commissary with the Honorary rank of Captain.*

Dated 5th August 1912.

Joseph Donald Sweeney.

*To be Assistant Commissary with the Honorary rank of Lieutenant.*

Dated 19th August 1912.

Conductor Henry Walter Woledge.

The KING has approved of the admission of the undermentioned Officer to the Indian Army:—

*Lieutenant to be Lieutenant.*

Bertram Lowther Jones, from the Welsh Regiment. Dated 10th August 1912, but to rank from 11th March 1910.

The KING has approved of the resignation of the undermentioned Officers of the Indian Army:—

Captain William Reginald Bartlett Stacey. Dated 16th September 1912.

Lieutenant Godfrey Leveson Brooke-Hunt. Dated 1st October 1912.

The KING has approved of the retirement of the undermentioned Officers of the Indian Army, Indian Medical Service and Indian Army Departments :—

INDIAN ARMY.

Lieutenant-General Sir Alfred Robert Martin, K.C.B. Dated 21st September 1912.

Major-General William du Gard Gray, C.B. Dated 12th October 1912.

Lieutenant-Colonel Gerald Edwin Lloyd Gilbert, D.S.O. Dated 6th September 1912.

Lieutenant-Colonel Charles Herbert, C.S.I. Dated 13th September 1912.

Major Frank Hay Norie. Dated 4th March 1912.

Major Edmund Saulez. Dated 4th October 1912.

INDIAN MEDICAL SERVICE.

Colonel William Alfred Corkery. Dated 25th August 1912.

Lieutenant-Colonel William Ainley Sykes, D.S.O., M.B. Dated 18th July 1912.

INDIAN ARMY DEPARTMENTS.

Assistant Commissary and Honorary Lieutenant John Richard Rishworth. Dated 19th August 1912.

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PROMOTIONS.

INDIAN ARMY.

No. 1051.—The following promotions are made, subject to His Majesty's approval :—

*Majors to be Lieutenant-Colonels.*

19th October 1912.

Charles Walter Tribe, Commandant, 41st Dogras.

Guy Henry Gaston Mockler, Commandant, 46th Punjabis.

*Lieutenants to be Captains.*

4th November 1912.

Herbert Mullaly, 9th Gurkha Rifles.

Geoffrey Beauchamp Astley Cooper, 17th Infantry (The Loyal Regiment).

Arthur Edward Berry Byrch, 117th Mahrattas.

NATIVE ARMY.

APPOINTMENTS AND PROMOTIONS.

No. 1052.—The following promotions are made :—

*36th Jacob's Horse.*

Risaldar Ahmad Khan to be Risaldar-Major, *vice* Risaldar-Major Ahmad Mir, seconded ; with effect from the 23rd March 1912.

*27th Punjabis.*

Subadar Ghulam Muhammad, *Sardar Bahadur*, to be Subadar-Major, *vice* Khushial Singh, *Sardar Bahadur*, transferred to the pension establishment ; with effect from the 1st November 1912.

*75th Carnatic Infantry.*

Jemadar Ramanna, on transfer from the 80th Carnatic Infantry, to be Subadar, *vice* Subadar Govindasami, transferred to No. 33 (Divisional Signal) Company ; with effect from the 15th April 1912.

*88th Carnatic Infantry.*

Subadar Muhammad Salar to be Subadar-Major, Jemadar Muttusami (I) to be Subadar and Havildar-Major Virasami to be Jemadar, *vice* Maduranayagam, transferred to the pension establishment ; with effect from the 1st October 1912.

*122nd Rajputana Infantry.*

Jemadar Bhim Singh to be Subadar and Colour-Havildar Atbal Singh to be Jemadar, *vice* Fakirya, transferred to the pension establishment ; with effect from the 1st August 1912.

*1st Battalion, 1st King George's Own Gurkha Rifles (The Malaun Regiment).*

Jemadar Biria Gurung to be Subadar and Havildar Gajia Thapa to be Jemadar, *vice* Hirasing Newar, transferred to the pension establishment ; with effect from the 16th October 1912.

## REWARDS.

## INDIAN ORDER OF MERIT.

No. 1053.—The Governor-General in Council is pleased to sanction the following admission to the Military Division of the Indian Order of Merit :—

*For admission to the 2nd Class of the Order.*

No. 1836 Sowar Syed Rasul, Zhob Militia, for conspicuous gallantry near Babar, Zhob District, on the 14th June 1912 when Major W. Bickford and his escort of four militia sowars were ambuscaded and attacked by a party of raiders. Two of the escort fell mortally wounded on the first shots of the raiders, while Major Bickford and another of the escort, whose rifle had been struck on the breech and put out of action, were wounded immediately afterwards. This left only one rifle with Sowar Syed Rasul who very pluckily held his ground and by his coolness in replying to the raiders' fire whenever opportunity offered, forced them to retire.

## RESIGNATIONS.

## INDIAN ARMY.

No. 1054.—The undermentioned officer has been permitted by the Most Hon'ble the Secretary of State for India to resign the service, subject to His Majesty's approval, with effect from the date specified :—

Captain Duncan James Nugent Blair, 7th Haryana Lancers,—1st November 1912.

## RETIREMENTS.

## INDIAN ARMY.

No. 1055.—The undermentioned officers have been permitted by the Most Hon'ble the Secretary of State for India to retire from the service, subject to His Majesty's approval, with effect from the dates specified :—

Colonel William Oliver Matless Mosse,—23rd October 1912.

Lieutenant-Colonel William Charles Marmaduke Woodcock, 35th Sikhs,—12th November 1912.



No. 1056.—Major Clarence Arnold Keatinge Johnson, 1st Duke of York's Own Lancers (Skinner's Horse), is permitted to retire from the service, subject to His Majesty's approval; with effect from the 1st November 1912.

#### INDIAN MEDICAL SERVICE.

No. 1057.—The date of retirement of Lieutenant-Colonel H. M. Earle is 28th July 1912 and not as stated in Army Department Notification No. 884, dated the 13th September 1912.

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#### VOLUNTEER CORPS.

##### APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

###### *Great Indian Peninsula Railway Volunteer Rifle Corps.*

No. 1058.—John Howard Carpenter to be Second Lieutenant, *vice* J. B. Remington, promoted. Dated the 1st September 1912.

###### *Cawnpore Volunteer Rifles.*

No. 1059.—William George Handcock to be Second Lieutenant, to fill an existing vacancy. Dated the 20th September 1912.

###### *Bombay, Baroda and Central India Railway Volunteer Rifles.*

No. 1060.—Lieutenant Arthur Gascoigne Scott resigns his commission. Dated the 1st September 1912.

Lieutenant George Hamilton Bulstrode Radcliffe to be Captain, *vice* C. G. Howsin, transferred to the Supernumerary List. Dated the 1st September 1912.

Second Lieutenant Douglas James Topp Jamieson to be Lieutenant, *vice* G. H. B. Radcliffe, promoted. Dated the 1st September 1912.

Second Lieutenant Herbert Baber Saxby (Supernumerary) is absorbed in the vacancy caused by the promotion of D. J. T. Jamieson. Dated the 1st September 1912.

William O'Neil Martin to be Second Lieutenant, supernumerary to the establishment, pending absorption. Dated the 1st September 1912.

Charles William Melville Collins to be Second Lieutenant, supernumerary to the establishment, pending absorption. Dated the 1st September 1912.

###### *Rangoon Volunteer Rifles.*

No. 1061.—Alexander Thomas Dawson to be Second Lieutenant, *vice* J. J. Anderson, transferred to the Supernumerary List. Dated the 1st August 1912.

###### *Bengal and North-Western Railway Volunteer Rifles.*

No. 1062.—John Rose Lawler to be Second Lieutenant, to fill an existing vacancy, Dated the 9th September 1912.

###### *East Coast Volunteer Rifles.*

No. 1063.—Lieutenant-Colonel Arthur George Romilly, V.D., Supernumerary List, resigns his commission and is permitted, on retirement, to retain his rank and wear the uniform of the Corps. Dated the 16th July 1911.

Second Lieutenant Alfred Edmund Todd resigns his commission. Dated the 26th September 1912.

## CANTONMENTS.

## REGULATIONS.

**No. 1064.**—In exercise of the powers conferred by section 23 of the Cantonments Act, 1910, the Governor-General in Council is pleased to extend sections 4, 5, 6 and 7 of the Burma Vaccination Law Amendment Act, 1909, to the Cantonment of Mandalay, in the adapted form set forth below :—

4. (1) In the Cantonment of Mandalay any officer specially appointed by the Local Government in this behalf may direct the vaccination of any child under six months of age when it is or has been exposed to infection in consequence of residence in a house infected by small-pox; and the parent or guardian of such child shall permit such child to be forthwith vaccinated by any vaccinator who attends at the place where the child is or if no vaccinator is sent for the purpose, shall take it or cause it to be taken to a vaccinator to be vaccinated, or send for a vaccinator to vaccinate it.

Power to direct vaccination of young child exposed to infection.

(2) The provisions of the second paragraph of section 9 and of sections 10 to 22 of the Vaccination Act, 1880, shall apply in the case of any child whose vaccination is directed under this section, as if this section were a part of the section 9 of that Act.

XIII of 1880.

5. (1) In the Cantonment of Mandalay every person occupying any, or part of any, house, enclosure, vessel or other place shall allow a Superintendent of vaccination or a vaccinator authorised by a Superintendent of vaccination in this behalf such access thereto between sunrise and sunset as may be necessary for the purpose of ascertaining whether the inmates are protected or not, and every inmate of such house, enclosure, vessel or other place shall be bound to answer truly any inquiries touching the question whether or not he is an unprotected person and shall be bound to show on demand the marks of any previous vaccination alleged by him to have been performed.

Occupier of a house, etc., to allow access.

(2) Every person failing to answer questions or to show marks in compliance with the provisions of sub-section (1) shall be deemed to be an unprotected person.

(3) Whenever it is necessary to ascertain whether a woman is protected or not, the investigation shall be conducted by a woman with strict regard to the customs of the class to which the person examined belongs.

6. In the Cantonment of Mandalay a Superintendent of vaccination may, if he deems it advisable, by notice in writing in the form set forth in the schedule or in some similar form, require any unprotected person to submit himself within seven days after the service of the same to a vaccinator to be vaccinated; and every such person so served with a notice shall within the said period submit himself for vaccination as aforesaid.

Power to require unprotected persons to be vaccinated after notice.

7. In the Cantonment of Mandalay a Superintendent of vaccination may, if he deems it advisable, require any unprotected person being an inmate of a building or part of a building which is let in lodgings or occupied by members of more than one family, or any unprotected person employed in a factory, to submit himself forthwith to a vaccinator to be vaccinated; and every person so required shall thereupon submit himself for vaccination as aforesaid.

Power to vaccinate inmates of lodging-house or factory forthwith.

B. HOLLOWAY, Colonel,

Offg. Secretary to the Government of India.

## MARINE DEPARTMENT.

Simla, the 8th November 1912.

## APPOINTMENTS.

**No. 67.**—Commander E. J. C. Hordern, Royal Indian Marine, is appointed Assistant Director, Royal Indian Marine, *vice* Captain F. Dobson, Royal Indian Marine, resigned; with effect from the 30th October 1912.

B. HOLLOWAY, Colonel,

Offg. Secretary to the Government of India.

## RAILWAY DEPARTMENT.

(RAILWAY BOARD.)

## NOTIFICATIONS.

*Dated Simla, the 4th November, 1912.*

**No. 218.**—In continuation of Railway Board's Notification No. 246 of 30th September 1910, it is notified for general information that the Railway Board have sanctioned a re-survey being made by the agency of the Great Indian Peninsula Railway for a line of railway on the 2' 6" gauge from Karinja to Bori *via* Wai, a distance of about 34 miles.

*The 5th November, 1912.*

**No. 219.**—In pursuance of sub-section (1) of Section 135 of the Indian Railways Act 1890 (IX of 1890) and in continuation of the Notification of the Government of India in the Railway Department, No. 341, dated the 21st December 1911, the Governor General in Council is pleased to declare that the Administration of the North Western Railway shall be liable to pay in aid of the funds of the local authority set out in the Schedule hereto annexed the tax specified in the second column thereof.

Local Authority.	Tax.
1	2
Notified area Committee of Jaranwala ... ..	House tax.

*The 6th November, 1912.*

**No. 220.**—With reference to Railway Board's Notification No. 198, dated the 22nd July 1910, Mr. G. E. Lillie, Executive Engineer, State Railways, whose services have been replaced at the disposal of the Railway Board by the Government of Bombay, Marine Department, is on return from leave, appointed Deputy Manager, Eastern Bengal Railway.

**No. 221.**—Mr. H. B. Holmes, Traffic Superintendent, Eastern Bengal Railway, is granted combined leave for two years (3 months' privilege and 21 months' furlough) under articles 233, 260, and 308 (b) of the Civil Service Regulations with effect from the 28th November 1912.

**No. 222.**—With reference to Railway Board Notification No. 221, dated 6th November 1912, Mr. J. H. Murray, Deputy Traffic Superintendent, Eastern Bengal Railway, is on return from leave appointed, as a temporary measure, to officiate as Traffic Superintendent of that railway until further orders.

**No. 223.**—With reference to Railway Board Notifications Nos. 221 and 222, dated the 6th November 1912, Mr. W. E. S. McGregor, Deputy Traffic Superintendent, Eastern Bengal Railway, is appointed, as a temporary measure, to officiate as Traffic Superintendent of that Railway from the date of Mr. Holmes' departure and until Mr. Murray joins.

**No. 224.**—It is hereby notified for general information that His Majesty's Secretary of State for India has sanctioned the construction by the Southern Punjab Railway Company of a chord line of railway on the 5 ft. 6 in. gauge between Jullundur City station on the North Western Railway and Nakodar station on the Jullundur Doab Railway now under construction, a distance of 20.2 miles, as an integral part of the Jullundur Doab Railway.

2. This line will be known as the Jullundur-Nakodar chord Section of the Jullundur Doab Railway.

**No. 225.**—Khan Sahib Mian Channan Din, District Traffic Superintendent, North Western Railway, in class 11, grade 5, of the Superior Revenue Establishment of State Railways, is permitted to retire from the service of Government under Article 650 of the Civil Service Regulations with effect from the 27th November 1912.



**No. 226.**—It is hereby notified for general information that the Railway Board have sanctioned a detailed survey being carried out by the agency of Messrs. Forbes, Forbes, Campbell and Company, Limited, Karachi, for a line of railway on the 2' 6" gauge from Jacobabad, on the North Western Railway to Shahdadpur, *via* Mouladad and Gahri Khairo, a distance of about 48 miles.

This survey will be known as the Jacobabad-Shahdadpur Railway Survey.

**No. 227.**—With reference to Railway Board's Notification No. 141, dated the 12th May 1911, Mr. P. D. Woods, Assistant Store-keeper, in class III, grade 3, of the Superior Stores Establishment of State Railways is permanently transferred from the North Western Railway to the Oudh and Rohilkhand Railway.

*The 7th November, 1912.*

**No. 228.**—In exercise of the powers conferred by the Notification of the Government of India in the Department of Commerce and Industry, No. 801, dated the 24th March 1905, the Railway Board sanction, under Clause (S) of the Second Schedule to the Indian Railways Act, 1890 (IX of 1890), the addition of "Itr" to the said Second Schedule.

**No. 229.**—Mr. J. H. Cardew, Electrical Engineer, Oudh and Rohilkhand Railway, is placed in charge of the Electrical Department of the North Western Railway in addition to his own duties with effect from the 11th October 1912 and until further orders.

R. C. F. VOLKERS,  
*Secretary, Railway Board.*



19. NOV. 12.

# The Gazette of India.

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SIMLA, SATURDAY, NOVEMBER 16, 1912.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART I.

Government of India Notifications, Appointments, Promotions, &c.

## LEGISLATIVE DEPARTMENT.

### NOTIFICATION.

*Simla, the 14th November, 1912.*

**No. 61.**—In exercise of the power conferred by section 6 of the Indian Councils Act, 1909 (9 Edw. 7, ch. 4), the Governor General in Council has, with the approval of the Secretary of State for India in Council, made the following Regulations for the nomination and election of Additional Members of the Legislative Council of the Governor General of India, in supersession of the Regulations published under Notification No. 14 of the Government of India in the Legislative Department, dated the 15th November, 1909, as subsequently amended.

### REGULATIONS FOR THE NOMINATION AND ELECTION OF ADDITIONAL MEMBERS OF THE LEGISLATIVE COUNCIL OF THE GOVERNOR GENERAL.

1. The Additional Members of the Legislative Council of the Governor General shall ordinarily be sixty in number, and shall consist of—
  - A. Members elected by the classes specified in Regulation II, who shall ordinarily be twenty-seven in number; and

Number of Members

( 1251 )

B.—Members nominated by the Governor General, who shall not exceed thirty-three in number, and of whom—

- (a) not more than twenty-eight may be officials, and
- (b) three shall be non-official persons to be selected—
  - (i) one from the Indian commercial community,
  - (ii) one from the Muhammadan community in the Punjab, and
  - (iii) one from the landholders in the Punjab :

Provided that it shall not be lawful for the Governor General to nominate so many non-official persons under these Regulations that the majority of all the Members of the Council shall be non-officials.

Elected Members.

II. The twenty-seven elected Members specified in Regulation I shall be elected as follows, namely :—

(i) By the non-official Additional Members of the Council of the Governor of Fort St. George	...	...	...	2 Members.
(ii) By the non-official Additional Members of the Council of the Governor of Bombay	...	...	...	2 Members.
(iii) By the non-official Additional Members of the Council of the Governor of Fort William in Bengal	...	...	...	2 Members.
(iv) By the non-official Members of the Council of the Lieutenant-Governor of the United Provinces of Agra and Oudh	...	...	...	2 Members.
(v) By the non-official Members of the Council of the Lieutenant-Governor of the Punjab	...	...	...	1 Member.
(vi) By the non-official Members of the Council of the Lieutenant-Governor of Burma	...	...	...	1 Member.
(vii) By the non-official Additional Members of the Council of the Lieutenant-Governor of Bihar and Orissa	...	...	...	1 Member.
(viii) By the non-official Members of the Council of the Chief Commissioner of Assam	...	...	...	1 Member.
(ix) By the District Councils and Municipal Committees in the Central Provinces	...	...	...	1 Member.
(x) By Landholders in the Presidency of Fort St. George	...	...	...	1 Member.
(xi) By Landholders in the Presidency of Bombay	...	...	...	1 Member.
(xii) By Landholders in the Presidency of Bengal	...	...	...	1 Member.
(xiii) By Landholders in the United Provinces of Agra and Oudh	...	...	...	1 Member.
(xiv) By Landholders in Bihar and Orissa	...	...	...	1 Member.
(xv) By Landholders in the Central Provinces	...	...	...	1 Member.
(xvi) By the Muhammadan community in the Presidency of Fort St. George	...	...	...	1 Member.
(xvii) By the Muhammadan community in the Presidency of Bombay	...	...	...	1 Member.
(xviii) By the Muhammadan community in the Presidency of Bengal	...	...	...	1 Member.
(xix) By the Muhammadan community in the United Provinces of Agra and Oudh	...	...	...	1 Member.
(xx) By the Muhammadan community in Bihar and Orissa	...	...	...	1 Member.
(xxi) By the Bengal Chamber of Commerce	...	...	...	1 Member.
(xxii) By the Bombay Chamber of Commerce	...	...	...	1 Member.

In addition to the Members specified in the foregoing part of this Regulation, a second Member shall be elected at the first, third and succeeding alternate elections by the Muhammadan members of the class specified in sub-head (xiii), and at the second, fourth and succeeding alternate elections, by the class specified in sub-head (xviii).

*Explanation.*—The expression “alternate elections” shall not be deemed to include elections to fill casual vacancies.

Electorates and electoral procedures.

III. The election of the Members specified in Regulation II shall be effected by the electorates, and in accordance with the procedures respectively prescribed in the Schedules to these Regulations.



IV. No person shall be eligible for election as a Member of the Council if <sup>Ineligible candi-</sup>  
such person—<sup>dates.</sup>

- (a) is not a British subject, or
- (b) is an official, or
- (c) is a female, or
- (d) has been adjudged by a competent Court to be of unsound mind, or
- (e) is under twenty-five years of age, or
- (f) is an uncertificated bankrupt or an undischarged insolvent, or
- (g) has been dismissed from the Government service, or
- (h) has been sentenced by a Criminal Court to imprisonment for an offence punishable with imprisonment for a term exceeding six months, or to transportation, or has been ordered to find security for good behaviour under the Code of Criminal Procedure, such sentence or order not having subsequently been reversed or remitted, or the offender pardoned, or
- (i) has been debarred from practising as a legal practitioner by order of any competent authority, or
- (k) has been declared by the Governor General in Council to be of such reputation and antecedents that his election would, in the opinion of the Governor General in Council, be contrary to the public interest :

Provided that, in cases (g), (h), (i) and (k), the disqualification may be removed by an order of the Governor General in Council in this behalf.

V. No person shall be eligible for election under any sub-head of Regulation II unless he possesses the qualifications prescribed for candidates in the Schedule regulating elections under that sub-head. <sup>Qualification of candidates.</sup>

VI. No person shall be qualified to vote at any election held under these Regulations if such person— <sup>Disqualifications of voters.</sup>

- (a) is a female, or
- (b) is a minor, or
- (c) has been adjudged by a competent Court to be of unsound mind.

VII. Every person, who is elected or nominated under these Regulations to be a Member of Council, shall before taking his seat make, at a meeting of the Council, an oath or affirmation of his allegiance to the Crown, in the following form, namely :— <sup>Oath of office.</sup>

I, A. B., having been <sup>elected</sup><sub>nominated</sub> an Additional Member of the Legislative Council of the Governor General, do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India, His heirs and successors, and that I will faithfully discharge the duty of the office upon which I am about to enter.

VIII. (1) If any person,—

- (a) not being eligible for election, is elected under these Regulations, or,
- (b) having been elected or nominated, subsequently becomes subject to any of the disabilities stated in clause (d), (f), (g), (h) or (i) of Regulation IV, or fails to make the oath or affirmation prescribed by Regulation VII within such time as the Governor General in Council considers reasonable,

the Governor General shall, by notification in the Gazette of India, declare his election or nomination to be void or his seat to be vacant. <sup>Power to declare seats vacant.</sup>

(2) When any such declaration is made, the Governor General shall, by notification as aforesaid, call upon the electorate concerned to elect another person within such time as may be prescribed by such notification, or shall nominate another person, as the case may be.

(3) If any person elected at such fresh election is not eligible for election, the Governor General may nominate any person who is eligible for election by the electorate concerned.

Candidates elected  
by several electo-  
rates.

IX. (1) If any person is elected by more than one electorate, he shall, by notice in writing signed by him and delivered to the Secretary to the Government of India in the Legislative Department, within seven days from the date of the publication of the result of such elections in the Gazette of India, choose, or in his default the Governor General shall declare, for which of these electorates he shall serve, and the choice or declaration shall be conclusive.

(2) When any such choice or declaration has been made, the votes recorded for such person in any electorate for which he is not to serve shall be deemed not to have been given, and the candidate, if any, who, except for the said votes would have been declared elected for such electorate, shall be deemed to have been duly elected for the same.

Term of office.

X. (1) Save as otherwise provided in these Regulations, the term of office on an Additional Member shall be three years, commencing from—

(a) in the case of a nominated Member, the date of the publication in the Gazette of India of the notification by which he is nominated,

(b) in the case of an elected Member, the date of the publication in the Gazette of India of the result of the election, or, where the result of such election has been so published before the vacancy has occurred, from the date on which such vacancy occurs :

Provided that official Members and Members nominated as being persons who have expert knowledge of subjects connected with proposed or pending legislation shall hold office for three years, or such shorter period as the Governor General may at the time of nomination determine :

Provided further that, in the event of a Legislative Council being constituted for the Central Provinces, the term of office of the Member elected by the class specified in sub-head (ix) of Regulation II shall expire on such date as the Governor General in Council may, by notification in the Gazette of India, direct.

(2) A Member elected or nominated to fill a casual vacancy occurring by reason of absence from India, inability to attend to duty, death, acceptance of office or resignation duly accepted, or otherwise, or a Member nominated on failure of an electorate to elect an eligible person, shall hold office so long as the Member whose place he fills would have been entitled to hold office if the vacancy had not occurred.

Vacancies.

XI. (1) When a vacancy occurs in the case of a Member who represents any interest specified in Regulation II, or at any time within three months of the date when such a vacancy will occur in the ordinary course of events, the Governor General shall, by notification as aforesaid, call upon the electorate concerned to elect a person for the purpose of filling the vacancy within such time as may be prescribed by such notification.

(2) When a vacancy occurs in the case of a nominated Member, the Governor General may nominate any person to the vacancy :

Provided that when a casual vacancy occurs—

(a) in the case of an elected Member, the election shall always be made by the same electorate as that which elected the Member whose place is to be filled, and shall be subject to the same conditions in respect of eligibility of candidates for nomination as those which governed the election of such Member, and

(b) in the case of a Member nominated as representing any class specified in Regulation I, sub-head B, clause (b), the person nominated shall be selected from the same class.

XII. If within the time prescribed by a notification issued under Regulation VIII, clause (2), or Regulation XI, clause (1), the electorate concerned fails to elect, the Governor General may nominate at his discretion any person who is eligible for election by such electorate.

Fails to elect.

XIII. The power of making laws and regulations, and of transacting other business vested in the Legislative Council of the Governor General shall be exercised only when fifteen or more Additional Members of the Council are present.

Quorum.

XIV. (1) No election shall be valid if any corrupt practice is committed in connection therewith by the candidate elected.

Corrupt practices.

(2) A person shall be deemed to commit a corrupt practice within the meaning of these Regulations—

(i) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury, to any person, or,

(ii) who gives, procures or abets the giving of a vote in the name of a voter who is not the person giving such vote.

And a corrupt practice shall be deemed to be committed by a candidate if it is committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

*Explanation.*—A "promise of individual profit" includes a promise for the benefit of the person himself, or of any one in whom he is interested.

XV. No election shall be invalid by reason of a non-compliance with the rules contained in the Schedules to these Regulations, or any mistake in the use of Forms annexed thereto, if it appears that the election was conducted in accordance with the principles laid down in such rules, and that such non-compliance or mistake did not affect the result of the election.

Non-compliance with rules.

XVI. (1) If the validity of any election is brought in question by any person qualified either to be elected or to vote at such election on the ground of the improper rejection or reception of a nomination or of a vote, or of any corrupt practice in connection with such election, or for any other cause, such person may, at any time within fifteen days from the date of the publication of the result of such election in the Gazette of India, apply to the Governor General in Council to set aside such election.

Disputes as to validity of elections.

(2) The Governor General in Council shall, after such inquiry (if any) as he may consider necessary, declare, by notification as aforesaid, whether the candidate whose election is questioned or any or what other person was duly elected, or whether the election was void.

(3) If the election is declared void, the Governor General shall, by notification as aforesaid, call upon the electorate concerned to elect another person within such time as may be prescribed by such notification.

(4) If within the time so prescribed the electorate fails to elect, the Governor General may nominate any person who is eligible for election by such electorate.

XVII. The decision of the Governor General in Council on any question that may arise as to the intention, construction or application of these Regulations shall be final.

Finality of decisions.

XVIII. (1) As soon as conveniently may be after these Regulations come into force, a Council shall be constituted in accordance with their provisions.

First elections.

(2) For this purpose the Governor General shall, by notification as aforesaid, call upon the electorates referred to in Regulation III to proceed to elect Members in accordance with these Regulations within such time as may be prescribed by such notification.

(3) If within the time so prescribed any such class fails to elect, the Governor General may nominate at his discretion for a period not exceeding six months any person who is eligible for election by such class.

## SCHEDULE I.

[See Regulation II, sub-heads (i), (ii) and (iv), and Regulation III.]

**RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER OR MEMBERS BY THE NON-OFFICIAL MEMBERS OF THE LEGISLATIVE COUNCILS OF THE GOVERNORS OF FORT ST. GEORGE AND BOMBAY AND OF THE LIEUTENANT-GOVERNOR OF THE UNITED PROVINCES OF AGRA AND OUDH.**

*Preliminary.*

1. "Returning Officer" means such officer as the Local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the Returning Officer under these rules, and includes any officer deputed for the time being by the Returning Officer to perform his duties.

*Electors.*

2. (1) The Member or Members specified in Regulation II, sub-heads (i), (ii) and (iv), shall be elected by the votes of the non-official Members of the Councils of the Governors of Fort St. George and Bombay and of the Lieutenant-Governor of the United Provinces of Agra and Oudh, respectively.

(2) Every such Member shall have one or two votes according as one or two candidates are to be elected.

(3) In the case of the election of two candidates, the Member may record both his votes in favour of one candidate.

3. On such date and at such time and place as may be appointed by the Local Government in this behalf, the non-official Members of each of the said Councils shall meet for the purpose of electing the Member or Members whom they are called upon to elect.

4. (1) At such meeting the Returning Officer shall attend, and, after explaining the rules, shall deliver to each Member present a voting paper in Form I annexed to this Schedule and shall thereafter withdraw.

(2) The Members present shall then proceed to elect from among themselves a Chairman, who shall in the first instance state the number of candidates to be elected and call upon the Members to nominate candidates.

*Qualifications of candidates.*

5. (1) Any person not ineligible for election under these Regulations, and having a place of residence within the Province concerned and such practical connection with that Province as qualifies him to represent it, may be nominated as a candidate :

Provided that the Chairman is satisfied that such person is willing to be so nominated.

(2) Such nomination may be made by any two Members as proposer and seconder, and the names of all candidates so nominated and their respective proposers and seconders shall thereupon be entered by the Chairman in a list which shall be read out and signed by him.

*Voting.*

6. (1) If the number of candidates duly nominated does not exceed the number of candidates to be elected, the candidate or candidates so nominated shall be declared to be elected, and the Chairman shall forthwith inform the Returning Officer of the name and address of such candidate or candidates.



(2) If the number of candidates duly nominated exceeds the number of candidates to be elected, the Members present, including the Chairman, shall record their votes on the voting papers in accordance with the instructions thereon.

(3) Neglect on the part of the Member to comply with any of these instructions shall render the vote invalid.

(4) If any such Member is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the Chairman shall assist him in such manner as may be necessary to do so.

7. The Chairman shall then inform the Returning Officer, who shall thereupon return to the meeting, and the Chairman shall make over to him the list of candidates nominated.

*Counting of votes and declaration of result.*

8. (1) The Returning Officer shall then collect the voting papers from the Members present, and shall examine them to see whether they have been correctly filled up.

(2) The Returning Officer shall endorse "rejected" on any voting paper which he may reject and mark "discarded" against any vote which he may discard on the ground that it is invalid under these rules, and, save as provided in rule 9 (4) or in Regulation XVI, such rejection or discarding shall be final.

(3) The Returning Officer shall then fold the lower portion of every paper, whether valid or invalid, along the dotted line on the back, so as to conceal the name of the elector, and shall seal down the portion thus folded with his official seal.

9. (1) The Returning Officer shall thereupon count the votes in the presence of the Members.

(2) Every candidate may be present in person, or may send a representative, duly authorised by him in writing, to watch the process of counting.

(3) The Returning Officer shall show the voting papers, sealed as provided by rule 8, to the candidates or their representatives.

(4) If an objection is made to any voting paper or vote on the ground that it is invalid under these rules, or to the rejection or discarding by the Returning Officer of any voting paper or vote, it shall be decided at once by the Returning Officer, whose decision shall be final, save as provided in Regulations VIII and XVI.

(5) In such cases the Returning Officer shall record on the voting paper the nature of the objection and his decision thereon.

10. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates to whom the largest number of votes has been given to be elected.

(2) Where an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

11. Upon the completion of the counting, and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

*Publication of result.*

12. The Returning Officer shall without delay report the result of the election to the Local Government and also to the Secretary to the Government of India in the Legislative Department, and the name or names of the candidate or candidates elected shall be published in the local official Gazette and in the Gazette of India.

*Appointment of dates, times and places.*

13. The Local Government shall appoint such date, time and place as it may think suitable for the meeting of Members under rule 3, and shall notify the same in such manner as it thinks fit.

## FORM I.

(See rule 4.)

## VOTING PAPER.

An  $\frac{1}{2}$  Additional Member (s)  $\frac{1}{2}$  is  $\frac{1}{2}$  to be elected to the Legislative Council of the Governor General by the non-official Members of the Legislative Council of the

Governor of Port George.  
Governor of Bombay.  
Lieut.-Govr. of the U. P. of A. and O.

Serial No.	Names of candidates.	Votes.

*Instructions.*

1. Each Member shall enter the name or names of the candidate or candidates to whom he desires to give his vote or votes.
2. Each Member has as many votes as there are Members to be elected.
3. If two Members are to be elected, a Member may give both his votes to one candidate.
4. He shall vote by placing the mark X or the marks X X, as the case may be, opposite the name of the candidate or candidates to whom he desires to give his vote or votes.
5. The voting paper shall be invalid if the total number of votes recorded on it exceeds the number of Members to be elected.
6. If the mark denoting any vote is so placed that it is doubtful to which candidate such vote is given, the vote shall be invalid.
7. After voting the Member shall sign the paper at the place indicated on the back, fold it, and deliver it to the Returning Officer. Voting papers not so signed shall be invalid.

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*Signature of Member.*



## SCHEDULE II.

[See Regulation II, sub-head (iii), and Regulation III.]

**RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER OR MEMBERS BY THE NON-OFFICIAL ADDITIONAL MEMBERS OF THE COUNCIL OF THE GOVERNOR OF FORT WILLIAM IN BENGAL.**

*Preliminary.*

1. "Returning Officer" means the Chief Secretary to the Local Government, and includes any officer deputed for the time being by the Chief Secretary to perform his duties under these rules.

*Electors.*

2. (1) The Member or Members specified in Regulation II, sub-head (iii), shall be elected by the votes of the non-official Additional Members of the Council of the Governor of Fort William in Bengal (hereinafter referred to as electors.)

(2) Every elector shall have one or two votes according as one or two candidates are to be elected.

(3) In the case of the election of two candidates, an elector may record both his votes in favour of one candidate.

*Qualifications and nomination of candidates.*

3. (1) Any person not ineligible for election under these Regulations, and having a place of residence within the Presidency of Bengal and such practical connection with that Presidency as qualifies him to represent it, may be nominated as a candidate :

Provided that the Returning Officer is satisfied that such person is willing to be so nominated.

(2) Such nomination shall be made by means of a nomination paper in Form I, annexed to this Schedule, which shall be signed by the Returning Officer, and as many such papers as there are candidates to be elected shall be sent by him by registered post, on or before such date as may be appointed by the Local Government in this behalf, to each elector then residing in India :

Provided that a nomination paper shall also be supplied to any such elector on his applying to the Returning Officer for the same at any time before the day appointed for the scrutiny of nomination papers.

(3) Each nomination paper shall be subscribed by two electors as proposer and seconder :

Provided that no elector shall subscribe more nomination papers than the number of candidates to be elected.

(4) Nomination papers which are not received by the Returning Officer before the date and time appointed for the scrutiny of nomination papers shall be rejected.

4. (1) A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the Returning Officer not less than fourteen clear days before the date appointed for the meeting of electors; or, if the period between the dates fixed for the scrutiny of nomination papers and the meeting of electors is less than fourteen clear days, not later than the date fixed for such scrutiny.

(2) The Returning Officer shall forthwith notify the withdrawal of any candidate in such manner as the Local Government may prescribe, and shall remove from the voting papers the name of the candidate who has withdrawn his candidature.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to stand as a candidate for the same election.

*Scrutiny of nomination papers.*

5. (1) On such date, not being less than three clear days before the date appointed for the meeting of electors, and at such time and place as may be

appointed by the Local Government for the scrutiny of nomination papers, every candidate and his proposer and seconder may attend, and the Returning Officer shall allow them to examine the nomination papers of all candidates which have been received by him as aforesaid.

(2) Where an elector subscribes more nomination papers than he is entitled to do under rule 3, all such nomination papers, except the one first received by the Returning Officer, and, if two candidates are to be elected, except also the one received by him next after the one first received, shall be deemed to be invalid, and if the Returning Officer is unable to determine which of such papers was so received, all such papers shall be deemed to be invalid.

(3) The Returning Officer shall examine the nomination papers and shall decide all objections which may be made to any nomination paper on the ground that it is not valid under these rules, and may reject, either of his own motion or on such objection, any nomination paper on such ground; the decision of the Returning Officer shall in every case be endorsed by him on the nomination paper in respect of which such decision is given, and shall be final save as provided in Regulations VIII and XVI.

#### *Voting.*

6. (1) If the number of duly nominated candidates who stand for election does not exceed the number of candidates to be elected, the Returning Officer shall forthwith declare such candidate or candidates to be elected.

(2) If the number of duly nominated candidates who stand for election exceeds the number of candidates to be elected, the Returning Officer shall forthwith publish their names and addresses in such manner as the Local Government may prescribe, and shall further cause their names to be entered in voting papers in Form II annexed to this Schedule.

(3) On or before such date as may be appointed by the Local Government in this behalf, the Returning Officer shall send by registered post to each elector then residing in India one such voting paper signed by the Returning Officer:

Provided that such a voting paper shall also be supplied to any such elector on his applying to the Returning Officer for the same at any time before the day appointed for the meeting of electors, and that no election shall be invalidated by reason of the non-receipt by an elector of his voting paper.

7. (1) Any elector may send his voting paper by registered post to the Returning Officer after recording his vote thereon in the manner prescribed therein, or may deliver it to the Returning Officer at the meeting of electors.

(2) Any elector may also fill up a duplicate voting paper at the meeting of electors, provided that a voting paper so filled up shall be marked as a duplicate and shall not be counted if the Returning Officer has received a voting paper previously filled up by the same elector.

(3) If an elector is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the Returning Officer shall assist him in such manner as may be necessary to mark the voting paper and to sign on the back thereof.

(4) Voting papers which are not received by the Returning Officer before the counting of votes shall be rejected.

#### *Meeting of electors and declaration of result.*

8. On such date and at such time and place as may be appointed by the Local Government in this behalf, the electors shall meet for the purpose of electing the Member or Members whom they are called upon to elect.

9. (1) At such meeting the Returning Officer shall attend, and shall examine the voting papers already received and those brought by any of the electors present to see whether they have been correctly filled up.

(2) Where an elector records his vote or votes on two or more voting papers, all such voting papers, except the one first received by the Returning Officer shall be

deemed to be invalid, and if the Returning Officer is unable to determine which of such papers was received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall endorse "rejected" on any voting paper which he may reject and mark "discarded" against any vote which he may discard on the ground that it is invalid under these rules, and shall endorse on the voting paper the grounds for such rejection or discarding; and, save as provided in rule 10 (4) or in Regulation XVI, such rejection or discarding shall be final.

(4) The Returning Officer shall then fold the lower portion of every paper, whether valid or invalid, along the dotted line on the back, so as to conceal the name of the elector, and shall seal down the portion thus folded with his official seal.

10. (1) The Returning Officer shall thereupon count the votes in the presence of the electors.

(2) Every candidate may be present in person, or may send a representative, duly authorised by him in writing, to watch the process of counting.

(3) The Returning Officer shall show the voting papers, sealed as provided by rule 9, to the candidates or their representatives.

(4) If an objection is made to any voting paper or vote on the ground that it is invalid under these rules, or to the rejection by the Returning Officer of any voting paper or the discarding by him of any vote, it shall be decided at once by the Returning Officer, whose decision shall be final, save as provided in Regulations VIII and XVI.

(5) In such cases the Returning Officer shall record on the voting paper the nature of the objection and his decision thereon.

11. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates to whom the largest number of votes has been given to be elected.

(2) Where an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

12. Upon the completion of the counting, and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

*Publication of result.*

13. The Returning Officer shall without delay report the result of the election to the Chief Secretary to the Local Government and also to the Secretary to the Government of India in the Legislative Department, and the name or names of the candidate or candidates elected shall be published in the local official Gazette and in the Gazette of India.

*Appointment of dates, times and places.*

14. The Local Government shall appoint, and shall notify, in such manner as it thinks fit, such date, and, if necessary, such time and place as it may think suitable for each of the following proceedings, namely :—

- (a) the sending of nomination papers under rule 3 ;
- (b) the scrutiny of nomination papers under rule 5 ;
- (c) the sending of voting papers under rule 6 ; and
- (d) the meeting of electors under rule 8.

## FORM I.

*(See rule 3.)*

## NOMINATION PAPER.

1. Name of candidate.
2. Father's name.
3. Age.
4. Address.
5. Signature of proposer.
6. Signature of seconder.

*Returning Officer.*

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*Instruction.*

Nomination papers which are not received by the Returning Officer before  
the            day of            19        shall be invalid.



## FORM II.

(See rule 6.)

## VOTING PAPER.

<sup>As</sup>  
<sub>Two</sub> Additional <sup>Member</sup>  
<sub>Members</sub> <sup>to</sup>  
<sub>are</sub> to be elected to the Legislative Council of the Governor General by the non-official Additional Members of the Legislative Council of the Governor of Fort William in Bengal. The following ( ) candidates have been duly nominated:—

Serial No.	Names of candidates.	Votes.

*Returning Officer.*

*Instructions.*

1. Each elector has as many votes as there are Members to be elected.
2. If two Members are to be elected, an elector may give both his votes to one candidate.
3. He shall vote by placing the mark X, or the marks X X, as the case may be, opposite the name of the candidate or, candidates to whom he desires to give his vote or votes.
4. The voting paper shall be invalid if the total number of votes recorded on it exceeds the number of Members to be elected.
5. If the mark denoting any vote is so placed as to render it doubtful to which candidate such vote is given, the vote shall be invalid.
6. After voting the elector shall sign the paper at the place indicated on the back, fold it, and send it to the Returning Officer by registered post, or deliver it to him at the meeting for the election. Voting papers not so signed shall be invalid.

*Signature of Elector.*

## SCHEDULE III.

[See Regulation II, sub-head (vii), and Regulation III.]

RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER BY THE NON-OFFICIAL ADDITIONAL MEMBERS OF THE COUNCIL OF THE LIEUTENANT-GOVERNOR OF BIHAR AND ORISSA.

*Preliminary.*

1. "Returning Officer" means the Chief Secretary to the Local Government, and includes any officer deputed for the time being by the Chief Secretary to perform his duties under these rules.

*Electors.*

2. (1) The Member specified in Regulation II, sub-head (vii), shall be elected by the votes of the non-official Additional Members of the Council of the Lieutenant-Governor of Bihar and Orissa (hereinafter referred to as electors).

(2) Every elector shall have one vote.

*Qualifications and nomination of candidates.*

3. (1) Any person not ineligible for election under these Regulations, and having a place of residence within the province of Bihar and Orissa and such practical connection with that province as qualifies him to represent it, may be nominated as a candidate for election:

Provided that the Returning Officer is satisfied that such person is willing to be so nominated.

(2) Such nomination shall be made by means of a nomination paper in Form I annexed to this Schedule, which shall be signed by the Returning Officer and sent by him by registered post on or before such date as may be appointed by the Local Government in this behalf to each elector then residing in India:

Provided that a nomination paper shall also be supplied to any such elector on his applying to the Returning Officer for the same at any time before the day appointed for the scrutiny of nomination papers.

(3) Each nomination paper shall be subscribed by two electors as proposer and seconder:

Provided that no elector shall subscribe more than one nomination paper.

(4) Nomination papers which are not received by the Returning Officer before the date and time appointed for the scrutiny of nomination papers shall be rejected.

4. (1) A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the Returning Officer not less than fourteen clear days before the date appointed for the meeting of electors, or, if the period between the dates fixed for the scrutiny of nomination papers and the meeting of electors is less than fourteen clear days, not later than the date fixed for such scrutiny.

(2) The Returning Officer shall forthwith notify the withdrawal of any candidate in such manner as the Local Government may prescribe, and shall remove from the voting papers the name of the candidate who has withdrawn his candidature.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to stand as a candidate for the same election.

*Scrutiny of nomination papers.*

5. (1) On such date, not being less than three clear days before the date appointed for the meeting of electors, and at such time and place as may be appointed by

the Local Government for the scrutiny of nomination papers, every candidate and his proposer and seconder may attend, and the Returning Officer shall allow them to examine the nomination papers of all candidates which have been received by him as aforesaid.

(2) Where an elector subscribes two or more nomination papers, all such nomination papers, except the one first received by the Returning Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such nomination papers was first received by him, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall examine the nomination papers, and shall decide all objections which may be made to any nomination paper on the ground that it is not valid under these rules, and may reject, either of his own motion or on such objection, any nomination paper on such ground; the decision of the Returning Officer shall in every case be endorsed by him on the nomination paper in respect of which such decision is given, and shall be final save as provided in Regulations VIII and XVI.

#### *Voting.*

6. (1) If one duly nominated candidate only stands for election, the Returning Officer shall forthwith declare such candidate to be elected.

(2) If more duly nominated candidates than one stand for election, the Returning Officer shall forthwith publish their names and addresses in such manner as the Local Government may prescribe, and shall further cause their names to be entered in voting papers in Form II annexed to this Schedule.

(3) On or before such date as may be appointed by the Local Government in this behalf, the Returning Officer shall send by registered post to each elector then residing in India one such voting paper signed by the Returning Officer :

Provided that such a voting paper shall also be supplied to any such elector on his applying to the Returning Officer for the same at any time before the day appointed for the meeting of electors, and that no election shall be invalidated by reason of the non-receipt by an elector of his voting paper.

7. (1) Any elector may send his voting paper by registered post to the Returning Officer after recording his vote thereon in the manner prescribed therein, or may deliver it to the Returning Officer at the meeting of electors.

(2) Any elector may also fill up a duplicate voting paper at the meeting of electors, provided that a voting paper so filled up shall be marked as a duplicate, and shall not be counted if the Returning Officer has received a voting paper previously filled up by the same elector.

(3) If an elector is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the Returning Officer shall assist him in such manner as may be necessary to mark the voting paper and to sign on the back thereof.

#### *Meeting of electors and declaration of result.*

8. On such date and at such time and place as may be appointed by the Local Government in this behalf, the electors shall meet for the purpose of electing the Member whom they are called upon to elect.

9. (1) At such meeting the Returning Officer shall attend, and shall examine the voting papers already received and those brought by any of the electors present to see whether they have been correctly filled up.

(2) Where an elector records his vote on two or more voting papers, all such voting papers, except the one first received by the Returning Officer, shall be



deemed to be invalid, and, if the Returning Officer is unable to determine which of such papers was received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall endorse "rejected" with the grounds for such rejection on any voting paper which he may reject on the ground that it is invalid under these rules, and, save as provided in rule 10(4) or in Regulation XVI, such rejection shall be final.

(4) The Returning Officer shall then fold the lower portion of every paper, whether valid or invalid, along the dotted line on the back, so as to conceal the name of the elector, and shall seal down the portion thus folded with his official seal.

10. (1) The Returning Officer shall thereupon count the votes in the presence of the electors.

(2) Every candidate may be present in person, or may send a representative, duly authorised by him in writing, to watch the process of counting.

(3) The Returning Officer shall show the voting papers sealed as provided by rule 9 to the candidates or their representatives.

(4) If an objection is made to any voting paper on the ground that it is invalid under these rules, or to the rejection by the Returning Officer of any voting paper, it shall be decided at once by the Returning Officer whose decision shall be final, save as provided in Regulations VIII and XVI.

(5) In such cases the Returning Officer shall record on the voting paper the nature of the objection and his decision thereon.

11. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the largest number of votes has been given to be elected.

(2) Where an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

12. Upon the completion of the counting, and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

#### *Publication of result.*

13. The Returning Officer shall without delay report the result of the election to the Chief Secretary to the Local Government and also to the Secretary to the Government of India in the Legislative Department, and the name of the candidate elected shall be published in the local official Gazette and in the Gazette of India.

#### *Appointment of dates, times and places.*

14. The Local Government shall appoint, and shall notify, in such manner as it thinks fit, such date, and, if necessary, such time and place as it may think suitable for each of the following proceedings, namely :—

- (a) the sending of nomination papers under rule 3 ;
- (b) the scrutiny of nomination papers under rule 5 ;
- (c) the sending of voting papers under rule 6 ; and
- (d) the meeting of electors under rule 8.

## FORM I.

(See rule 3.)

## NOMINATION PAPER.

1. Name of candidate.
2. Father's name.
3. Age.
4. Address.
5. Signature of proposer.
6. Signature of seconder.

*Returning Officer.*

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*Instruction.*

Nomination papers which are not received by the Returning Officer before  
the            day of            19            shall be invalid.

## FORM II.

(See rule 6.)

## VOTING PAPER.

An Additional Member is to be elected to the Legislative Council of the Governor General by the non-official Additional Members of the Legislative Council of the Lieutenant-Governor of Bihar and Orissa.

Serial No.	Names of candidates.	Vote.

*Returning Officer.*

*Instructions.*

1. Each elector has one vote.
2. He shall vote by placing the mark X opposite the name of the candidate to whom he desires to give his vote.
3. The voting paper shall be invalid if more than one vote is recorded on it.
4. If the mark denoting any vote is so placed that it is doubtful to which candidate such vote is given, the vote shall be invalid.
5. After voting the elector shall sign the paper at the place indicated on the back, fold it, and send it to the Returning Officer by registered post, or deliver it to him at the meeting for the election. Voting papers not so signed shall be invalid.

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*Signature of Elector.*



## SCHEDULE IV.

[See Regulation II, sub-heads (v), (vi) and (viii), and Regulation III.]

RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER BY THE NON-OFFICIAL MEMBERS OF THE LEGISLATIVE COUNCILS OF THE LIEUTENANT-GOVERNORS OF THE PUNJAB AND BURMA, AND OF THE CHIEF COMMISSIONER OF ASSAM.

*Preliminary.*

1. "Returning Officer" means such officer as the Local Government may by notification in the local official Gazette, appoint to perform all or any of the duties of the Returning Officer under these rules, and includes any officer deputed for the time being by the Returning Officer to perform his duties.

*Electors.*

2. (1) The Members specified in Regulation II, sub-heads (v), (vi) and (viii), shall be elected by the votes of the non-official Members of the Councils of the Lieutenant-Governors of the Punjab and Burma, and of the Chief Commissioner of Assam, respectively.

(2) Every such Member shall have one vote.

3. On such date and at such time and place as may be appointed by the Local Government in this behalf, the non-official Members of each of the said Councils shall meet for the purpose of electing the Member whom they are called upon to elect.

4. (1) At such meeting the Returning Officer shall attend, and, after explaining the rules, shall deliver to each Member present a voting paper in Form I annexed to this Schedule and shall thereafter withdraw.

(2) The Members present shall then proceed to elect from among themselves a Chairman, who shall in the first instance call upon the Members to nominate candidates.

*Qualifications of candidates.*

5. (1) Any person not ineligible for election under these Regulations, and having a place of residence within the province concerned and such practical connection with that province as qualifies him to represent it, may be nominated as a candidate :

Provided that the Chairman is satisfied that such person is willing to be so nominated.

(2) Such nomination may be made by any two Members as proposer and seconder, and the names of all candidates so nominated and their respective proposers and seconders shall thereupon be entered by the Chairman in a list which shall be read out and signed by him.

*Voting.*

6. (1) If one candidate only is duly nominated, the candidate so nominated shall be declared to be elected, and the Chairman shall forthwith inform the Returning Officer of the name and address of such candidate.

(2) If more candidates than one are duly nominated, the Members present, including the Chairman, shall record their votes on the voting papers in accordance with the instructions thereon.

(3) Neglect on the part of the Member to comply with any of these instructions shall render the vote invalid.

(4) If any such Member is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the Chairman shall assist him in such manner as may be necessary to do so.

7. The Chairman shall then inform the Returning Officer, who shall thereupon return to the meeting, and the Chairman shall make over to him the list of candidates nominated.

*Counting of votes and declaration of result.*

8. (1) The Returning Officer shall then collect the voting papers from the Members present, and shall examine them to see whether they have been correctly filled up.

(2) The Returning Officer shall mark as "rejected" voting papers which he rejects on the ground that they are invalid under these rules, and, save as provided in rule 9 (4) or in Regulation XVI, such rejection shall be final.

(3) The Returning Officer shall then fold the lower portion of every paper, whether valid or invalid, along the dotted line on the back, so as to conceal the name of the elector, and shall seal down the portion thus folded with his official seal.

9. (1) The Returning Officer shall thereupon count the votes in the presence of the Members.

(2) Every candidate may be present in person, or may send a representative, duly authorised by him in writing, to watch the process of counting.

(3) The Returning Officer shall show the voting papers sealed as provided by rule 8 to the candidates or their representatives.

(4) If an objection is made to any voting paper on the ground that it is invalid under these rules, or to the rejection by the Returning Officer of any voting paper, it shall be decided at once by the Returning Officer, whose decision shall be final, save as provided in Regulations VIII and XVI.

(5) In such cases the Returning Officer shall record on the voting paper the nature of the objection and his decision thereon.

10. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the largest number of votes has been given to be elected.

(2) Where an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any one of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

11. Upon the completion of the counting, and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

*Publication of result.*

12. The Returning Officer shall without delay report the result of the election to the Local Government and also to the Secretary to the Government of India in the Legislative Department, and the name of the candidate elected shall be published in the local official Gazette and in the Gazette of India.

*Appointment of dates, times and places.*

13. The Local Government shall appoint such date, time and place as it may think suitable for the meeting of Members under rule 3, and shall notify the same in such manner as it thinks fit.

## FORM I.

(See rule 4.)

## VOTING PAPER.

One Additional Member is to be elected to the Legislative Council of the Governor General by the non-official Members of the Legislative Council of

the Lieutenant-Governor of the Punjab.  
Lieutenant-Governor of Burma.  
Chief Commissioner of Assam.

Serial No.	Names of candidates.	Vote.

*Instructions.*

1. Each Member shall enter the name of the candidate to whom he desires to give his vote.
2. Each Member has one vote.
3. He shall vote by placing the mark X opposite the name of the candidate to whom he desires to give his vote.
4. The voting paper shall be invalid if more than one vote is recorded on it.
5. If the mark denoting any vote is so placed that it is doubtful to which candidate such vote is given, the vote shall be invalid.
6. After voting the Member shall sign the paper at the place indicated on the back, fold it, and deliver it to the Returning Officer. Voting papers not so signed shall be invalid.

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*Signature of Member.*



## SCHEDULE V.

[See Regulation II, sub-head (ix), and Regulation III.]

## RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER BY THE DISTRICT COUNCILS AND MUNICIPAL COMMITTEES IN THE CENTRAL PROVINCES.

*Preliminary.*

1. (1) "Attesting Officer" means such officer as the Local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the Attesting Officer under these rules, and includes any officer deputed for the time being by the Attesting Officer to perform his duties.

(2) "Returning Officer," means such officer as the Local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the Returning Officer under these rules, and includes any officer deputed for the time being by the Returning Officer to perform his duties.

*Electorate.*

2. (1) The Member specified in Regulation II, sub-head (ix), shall be elected by the votes of delegates to be selected from among themselves in the manner hereinafter prescribed, by the members, other than officials appointed by name or *ex-officio*, of the District Councils and Municipal Committees specified below.

(2) The number of delegates which such District Councils and Municipal Committees are entitled to select shall be as follows:—

*District Councils.*

Nagpur District ...	...	3	Hoshangabad District ...	...	1
Bhandara „ ...	...	1	Narsinghpur „ ...	...	1
Chanda „ ...	...	1	Nimar „ ...	...	1
Wardha „ ...	...	1	Betul „ ...	...	1
Balaghat „ ...	...	1	Chhindwara „ ...	...	1
Jabalpur „ ...	...	3	Raipur „ ...	...	2
Saugor „ ...	...	1	Bilaspur „ ...	...	1
Damoh „ ...	...	1	Drug „ ...	...	1
Seoni „ ...	...	1			
			Total	...	22

*Municipal Committees.*

Nagpur ...	5	Balaghat ...	1	Mandla ...	1	Burhampur ...	1
Umrer ...	1	Jabalpur ...	3	Hoshangabad ...	1	Badnur ...	1
Bhandara ...	1	Saugor ...	2	Harda ...	1	Chhindwara ...	1
Chanda ...	1	Damoh ...	1	Narsinghpur ...	1	Raipur ...	2
Wardha ...	1	Seoni ...	1	Khandwa ...	1	Bilaspur ...	1
				Total	...	28	

*Selection of delegates.*

3. (1) On such date as may be appointed by the Local Government in this behalf, the members above-mentioned of each District Council and Municipal

Committee specified in rule 2 shall meet for the purpose of selecting the number of delegates to which it may be entitled.

(2) At such meetings the Attesting Officer shall attend for the purpose of explaining the rules and shall then withdraw.

(3) The business of the meeting shall be conducted by the Chairman or President of the Council or Committee, or, in the absence of such Chairman or President, or if he is an official appointed by Government, by a Chairman elected for the purpose.

(4) The selection shall be conducted in accordance with the rules or bye-laws of the Council or Committee for the conduct of business :

Provided that a person already selected as a delegate for a District Council shall not be eligible as a delegate for a Municipal Committee, and *vice versa*.

(5) When the selection is complete, the Chairman or President shall deliver to the Attesting Officer a list of the delegates selected,

(6) The Attesting Officer shall without delay report to the Returning Officer the names and addresses of the delegates selected (hereinafter referred to as electors), and the said names and addresses shall be published in such manner as the Local Government may prescribe.

*Qualifications and nomination of candidates.*

4. (1) Any person not ineligible for election under these Regulations who has a place of residence in the Central Provinces, and either is a member or has served at least three years as a member of any such District Council or Municipal Committee may be nominated as a candidate for election.

(2) Every nomination shall be made by means of a nomination paper in Form I annexed to this Schedule, which shall be supplied by the Attesting Officer to any member mentioned in rule 2 asking for the same.

(3) Every nomination paper shall be subscribed as proposer and seconder by two such members :

Provided that no member shall subscribe more than one nomination paper.

(4) Every nomination paper shall be presented for attestation on the date and at the time and place appointed by the Local Government in this behalf, and, if the Attesting Officer is satisfied that the nominee is willing to stand for election, shall be attested by the Attesting Officer in the manner prescribed on the face of the Form, and without delay despatched by registered post to the Returning Officer.

5. Nomination papers which are not received by the Returning Officer before the date and time appointed for the scrutiny of nomination papers shall be rejected.

6. (1) A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the Returning Officer not less than fourteen clear days before the date fixed for the attestation of voting papers ; or, if the period between the dates fixed for the scrutiny of nomination papers and the attestation of voting papers is less than fourteen clear days, not later than the date fixed for such scrutiny.

(2) The Returning Officer shall forthwith notify the withdrawal of any candidate in such manner as the Local Government may prescribe, and shall remove from the voting papers the name of the candidate who has withdrawn his candidature.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to stand as a candidate for the same election.

*Scrutiny of nomination papers.*

7. (1) On the date and at the time appointed by the Local Government for the scrutiny of nomination papers, every candidate and his proposer and seconder may attend at the place appointed, and the Returning Officer shall allow them to examine the nomination papers of all candidates which have been received by him as aforesaid.

(2) Where a member subscribes two or more nomination papers, all such nomination papers, except the one first received by the Attesting Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such nomination papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall examine the nomination papers, and shall decide all objections which may be made to any nomination paper on the ground that it is not valid under these rules, and may reject, either of his own motion or on such objection, any nomination paper on such ground; the decision of the Returning Officer shall in every case be endorsed by him on the nomination paper in respect of which such decision is given, and shall be final save as provided in Regulations VIII and XVI.

*Voting.*

8. (1) If one duly nominated candidate only stands for election, the Returning Officer shall forthwith declare such candidate to be elected.

(2) If more duly nominated candidates than one stand for election, the Returning Officer shall forthwith publish their names in such manner as the Local Government may prescribe.

9. (1) On such date and at such time and place as the Local Government may appoint in this behalf, the electors desirous of recording their votes shall attend for the purpose before the Returning Officer.

(2) The Returning Officer shall thereupon deliver to each elector a voting paper in Form II annexed to this Schedule, in which shall be entered the names of the candidates, together with an envelope for enclosing the same.

(3) The elector shall then sign the declaration on the back of the paper in the presence of the Returning Officer in accordance with the instructions on the face thereof, and the Returning Officer shall attest his signature in the manner prescribed by the same instructions.

(4) The elector shall then proceed to a place screened from observation, which shall be provided by the Returning Officer, and there record his vote on the voting paper in accordance with the instructions on the face thereof.

(5) The elector shall then place the voting paper in the envelope provided, and, after closing the envelope, shall deliver it to the Returning Officer.

(6) Neglect on the part of the elector to comply with any of these instructions shall render the vote invalid.

(7) If an elector is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the Returning Officer shall assist him in such manner as may be necessary to mark the voting paper and to sign the declaration on the back thereof.

*Counting of votes and declaration of result.*

10. (1) On receiving the voting papers the Returning Officer shall examine them to see whether they have been correctly filled up.

(2) Where an elector records his vote on two or more voting papers, all such voting papers, except the one first received by the Returning Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall endorse "rejected" with the grounds for such rejection on any voting paper which he may reject on the ground that it is invalid under these rules, and, save as provided in rule 11 (4) or in Regulation XVI, such rejection shall be final.

(4) The Returning Officer shall then fold the lower portion of every voting paper, whether valid or invalid, along the dotted line on the back, so as to conceal the name of the elector, and shall seal down the portion thus folded with his official seal.

11. (1) The Returning Officer shall attend for the purpose of counting the votes on such date and at such time and place as may be appointed by the Local Government in this behalf.

(2) Every candidate may be present in person, or may send a representative, duly authorised by him in writing, to watch the process of counting.

(3) The Returning Officer shall show the voting papers sealed as provided by rule 10 to the candidates or their representatives.

(4) If an objection is made to any voting paper on the ground that it is invalid under these rules, or to the rejection by the Returning Officer of any voting paper, it shall be decided at once by the Returning Officer whose decision shall be final, save as provided in Regulations VIII and XVI.

(5) In such cases the Returning Officer shall record on the voting paper the nature of the objection and his decision thereon.

12. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the largest number of votes has been given to be elected.

(2) Where an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

13. Upon the completion of the counting and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

*Publication of result.*

14. The Returning Officer shall without delay report the result of the election to the Chief Secretary to the Local Government and also to the Secretary to the Government of India in the Legislative Department, and the name of the candidate elected shall be published in the local official Gazette and in the Gazette of India.

*Appointment of dates, times and places.*

15. The Local Government shall appoint, and shall notify, in such manner as it thinks fit, such date and, if necessary, such time and place as it may think suitable for each of the following proceedings, namely :—

- (a) the selection of delegates under rule 3 ;
- (b) the attestation of nomination papers under rule 4 ;
- (c) the scrutiny of nomination papers under rule 7 ;
- (d) the attestation of voting papers under rule 9 ; and
- (e) the counting of votes under rule 11.



## FORM 1.

(See rule 4.)

## NOMINATION PAPER.

1. Name of candidate.
2. Father's name.
3. Address.
4. Signature of proposer.
5. Signature of seconder.

Signed in my presence by \_\_\_\_\_ and  
who are personally known to me (or are identified to my satisfaction) as mem-  
bers, other than officials appointed by name or *ex-officio* of the \_\_\_\_\_  
of \_\_\_\_\_ District Council  
Municipal Committee

Date

Attesting Officer.

## Instructions.

1. Nomination papers shall be attested by an Attesting Officer. Those not  
so attested shall be invalid.
2. They shall be presented for attestation on the \_\_\_\_\_ day of \_\_\_\_\_ 19  
and between the hours of \_\_\_\_\_ and \_\_\_\_\_, at the office of \_\_\_\_\_

## FORM II.

(See rule 9.)

## VOTING PAPER.

One Additional Member is to be elected to the Legislative Council of the Governor General by Delegates of the District Councils and Municipal Committees in the Central Provinces. The following ( ) candidates have been duly nominated :—

Serial No.	Names of candidates.	Vote.

*Instructions.*

1. Each elector has one vote.
2. He shall vote by placing, or causing to be placed, the mark X opposite the name of the candidate whom he prefers.
3. The voting paper shall be invalid if the mark X is placed opposite the name of more than one candidate, or if it is so placed as to render it doubtful to which candidate it is intended to apply.
4. The elector shall sign the declaration on the back of the paper in the presence of the Returning Officer, who shall attest his signature. Without such attestation the voting paper shall be invalid.

I hereby declare that I am a Delegate of the District Council  
Municipal Committee of

*Elector.*

*(Fold on this line.)*

Signed in my presence by the elector, who is personally known to me  
has been identified to my satisfaction.

*Returning Officer.*

## SCHEDULE VI.

[See Regulation II, sub-head (x), and Regulation III.]

RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER BY LANDHOLDERS  
IN THE PRESIDENCY OF FORT ST. GEORGE.*Preliminary.*

1. (1) "Attesting Officer" means such officer as the Local Government may, by notification in the Fort St. George Gazette, appoint to perform all or any of the duties of the Attesting Officer under these rules, and includes any officer deputed for the time being by the Attesting Officer to perform his duties.

(2) "Collector" means the District Collector.

(3) "Estate" means :—

(a) any permanently settled estate or temporarily settled Zamindari or any portion of such estate or Zamindari, provided that such portion is separately registered in the office of the Collector ;

(b) any unsettled palaiyam or jagir ;

(c) any village the land-revenue of which alone has been granted in inam to a person not owning the kudivaram thereof, if such grant has been made, confirmed or recognised by the British Government or any separated part of such village ;

(d) any portion consisting of one or more villages of any of the estates specified in clauses (a) and (b) which is held on a permanent under-tenure.

(4) "Returning Officer" means such officer as the Local Government may, by notification in the Fort St. George Gazette, appoint to perform all or any of the duties of the Returning Officer under these rules, and includes any officer deputed for the time being by the Returning Officer to perform his duties.

(5) "Zamindar" means the holder of an estate, and includes a person in receipt of a málíkhána allowance from Government.

*Qualifications of electors.*

2. The Member specified in Regulation II, sub-head (x), shall be elected by the votes of all landholders, being persons qualified to vote and having a place of residence in the Presidency of Fort St. George, who—

(a) possess an annual income, calculated as provided in rules 3, 4, 5 and 6, of not less than fifteen thousand rupees derived from land situated within the Presidency, or

(b) receive from Government a málíkhána allowance the annual amount of which is not less than fifteen thousand rupees.

3. For the purposes of rule 2 the annual income of a zamindár from his estate shall be taken to be the annual rental upon which he pays land-cess under the Madras Local Boards Act, 1884, excluding the peshkash or similar charge payable by him to Government.

4. (1) For the purposes of rule 2 the annual income of landholders other than zamindárs shall be calculated as follows :—

(a) the income of ryotwári holders cultivating their own lands shall be taken to be equal to twice the assessment fixed on the land so cultivated ;

(b) the income of ryotwári holders who have leased their lands to tenants shall be taken to be equal to the assessment fixed on the land so leased ;

(c) the income of holders of ináms shall be taken to be equal to the rental value on which the land-cess is calculated under section 64 of the Madras Local Boards Act, 1884, excluding the peshkash jodi, quit-rent or similar charge payable to Government ;

(d) the income of tenants of zamindárs and inámdárs shall be taken to be equal to two-thirds of the annual rent value of the lands held by such tenants as determined under section 64 of the Madras Local Boards Act, 1884 :

Provided that to the income of tenants holding land free of rent or at a favourable rent calculated as provided in clause (d), there shall be added the difference between the rent (if any) actually charged and the rent ordinarily payable, for land of similar description and with similar advantages in the village or in neighbouring villages ; and

(e) the income of sub-tenants shall be taken to be equal to half the income as determined for the superior tenant.

(2) If, in any case, a separate water-rate or second-crop charge is payable to Government or to a superior holder in respect of any land, such water-rate and charge shall be regarded as forming part of the assessment or rental value, as the case may be, in calculating income under this rule :

Provided that a landholder who collects water-rate or second-crop charge from another person on behalf of Government is not entitled to have anything so collected taken into account when his income is fixed under this rule or rule 3.

(3) If, in any case, it is not possible to calculate income from land in accordance with rule 3 or sub-rule (1) of this rule, the Collector shall determine such income for the purposes of these rules upon the best information available.

5. In all cases under rule 3 and rule 4, the annual income shall be calculated on the figures of the latest fasli year for which figures are available or, in cases where figures for the fasli year are not available, then, proportionately, on the figures of the latest period for which figures are available.

6. (1) In calculating the annual income of all landholders for the purposes of rule 2—

(a) income derived from an estate shall not be reckoned along with income derived from any land other than an estate, but it may be reckoned along with a málikhána allowance ;

(b) subject to the provisions of clause (a), incomes derived from more than one parcel of land, however held, may be reckoned together :

Provided that, in the case of land referred to in rule 13, sub-rule (2), and rule 14 the income derived therefrom shall not be added to any income derived from other land unless the holder of the latter has been nominated, or is entitled, under those rules to represent the joint-holders or family in respect of the former land.

(2) In no case shall income derived from a portion of an estate which is not separately registered in the office of a Collector be taken into account.

7. No person shall be entitled to vote except in the district in which he resides, and he shall not be entered in the electoral roll under any other district.

8. No elector shall have more than one vote though he may possess more than one of the qualifications above described.

#### *Electoral roll.*

9. (1) During the month of July in each year the Returning Officer shall prepare and publish in the Fort St. George Gazette and in the official Gazette of each district concerned a draft electoral roll in Form I annexed to this Schedule, together with a notice stating that any objection relating to entries in or omissions from the electoral roll may be preferred on or before the 31st of August to the Collector of the district concerned.



(2) Such Collector shall fix a place and a date not later than the 30th of September for hearing objections to the electoral roll, and shall give notice of the place and date so fixed to all persons concerned in such manner as the Local Government may prescribe.

(3) The Collector may, before the date fixed by him under sub-rule (2) of his own motion, revise the electoral roll so far as it relates to his district; any alteration in the roll made on such revision shall be published previous to the date fixed under sub-rule (2) in such manner as the Local Government may prescribe.

(4) The Collector shall at the place and on the date fixed under sub-rule (2) hear and decide objections to the electoral roll as also to any revision of the roll made by him of his own motion.

(5) On the 1st of October the Collector shall send a copy of the electoral roll as revised to the Returning Officer.

(6) The Returning Officer shall publish the final electoral roll in the Fort St. George Gazette and in the official Gazettes of the districts concerned on or before the 31st of October, and such electoral roll shall come into force on the 1st of November and continue in force until the publication of the next final electoral roll.

(7) The Local Government may, from time to time by notification in the Fort St. George Gazette and the official Gazettes of the districts concerned, alter the dates specified in this rule.

10. The electoral roll in force at the date of the notification issued by the Governor General under these Regulations calling upon the electorate to elect a Member under these rules shall be conclusive evidence for the purpose of determining whether any person is or is not qualified to vote at such election.

11. (1) A person who is nominated, or entitled, under rule 13, sub-rule (2), or rule 14, to represent a group of joint-owners or a joint-family, and who is himself possessed of a separate property qualification which entitles him to vote, may elect whether to be entered in the electoral roll in his representative or in his separate capacity.

(2) Every such person shall be entered in one such capacity only and under the district in which he resides.

12. Except as expressly provided in these rules, no person claiming to vote on account of the possession of income derived from land for which a public register is kept shall be entitled to have such income taken into account in determining his eligibility to vote unless the land from which the income is derived stands registered in such register in his name.

13. (1) Where land is registered in the name of a single holder, the name of that holder alone shall be entered in the electoral roll.

(2) Where several persons are registered as joint-holders of land, a majority of the adult male persons so registered may nominate in writing any one of themselves who is qualified to vote to be their representative for voting purposes, and the name of such representative alone shall be entered in the electoral roll under the district in which he resides, and, if such nomination is not made, no entry shall be made in the roll in respect of such land.

*Explanation.*—Land registered under section 14 of the Malabar Land Registration Act, 1896, in the joint names of the registered proprietor and another person is not land registered in the names of joint-holders within the meaning of this rule.

14. (1) Where the property of a tarwád or similar joint-family under the Marumakkátayam or Aliyasantána law is registered in the name of a woman and would, but for the disqualification of sex, qualify the registered holder to vote

the senior male member of the family shall, if he is qualified to vote, be entered in the electoral roll under the district in which he resides as the representative of the family for voting purposes.

(2) If the senior male member is not so qualified, no entry shall be made in the roll in respect of the property possessed by the family.

15. Except as hereinbefore provided, no person shall be entitled to have his name entered in the electoral roll unless he possesses the prescribed property qualification in his own personal right and not in a fiduciary capacity.

*Qualifications and nomination of candidates.*

16. (1) Any person not ineligible for election under these Regulations, whose name is on the electoral roll, may be nominated as a candidate for election.

(2) Such nomination shall be made by means of a nomination paper in Form II annexed to this Schedule, which shall be supplied by the Attesting Officer to any elector asking for the same.

(3) Every nomination paper shall be subscribed by two electors as proposer and seconder :

Provided that no elector shall subscribe more than one nomination paper.

(4) Every nomination paper shall be presented for attestation on the date and at the time and place appointed by the Local Government in this behalf, and, if the Attesting Officer is satisfied that the nominee is willing to stand for election, shall be attested by the Attesting Officer in the manner prescribed on the face of the Form and without delay despatched by registered post to the Returning Officer.

17. Nomination papers which are not received by the Returning Officer before the date and time appointed for the scrutiny of nomination papers shall be rejected :

18. (1) A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the Returning Officer not less than fourteen clear days before the date fixed for the attestation of voting papers, or, if the period between the dates fixed for the scrutiny of nomination papers and the attestation of voting papers is less than fourteen clear days, not later than the date fixed for such scrutiny.

(2) The Returning Officer shall forthwith notify the withdrawal of any candidate in such manner as the Local Government may prescribe, and shall communicate the withdrawal to the Attesting Officer, who shall thereupon remove from the voting paper the name of the candidate who has withdrawn his candidature.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to stand as a candidate for the same election.

*Scrutiny of nomination papers.*

19. (1) On the date and at the time appointed by the Local Government for the scrutiny of nomination papers, every candidate and his proposer and seconder may attend at the place appointed, and the Returning Officer shall allow them to examine the nomination papers of all candidates which have been received by him as aforesaid.

(2) Where an elector subscribes two or more nomination papers, all such nomination papers, except the one first received by the Attesting Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such nomination papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall examine the nomination papers, and shall decide all objections which may be made to any nomination paper on the ground that it is not valid under these rules, and may reject, either of his own motion or on such objection, any nomination paper on such ground; the decision of the Returning Officer shall in every case be endorsed by him on the nomination paper in respect of which such decision is given, and shall be final save as provided in Regulations VIII and XVI.

*Voting.*

20. (1) If one duly nominated candidate only stands for election, the Returning Officer shall forthwith declare such candidate to be elected.

(2) If more duly nominated candidates than one stand for election, the Returning Officer shall forthwith publish their names in such manner as the Local Government may prescribe.

21. (1) Every elector desirous of recording his vote shall attend for the purpose at such place in the district under which his name appears in the electoral roll, and on such date and at such time as may be appointed by the Local Government in this behalf.

(2) The Attesting Officer shall thereupon deliver to each elector a voting paper in Form III annexed to this Schedule, in which shall be entered the names of the candidates, together with an envelope for enclosing the same.

(3) The elector shall sign the declaration on the back of the paper in the presence of the Attesting Officer in accordance with the instructions on the face thereof, and the Attesting Officer shall attest his signature in the manner prescribed by the same instructions.

(4) The elector shall then proceed to a place screened from observation, which shall be provided by the Attesting Officer, and there mark his vote on the voting paper in accordance with the instructions on the face thereof.

(5) The elector shall then place the voting paper in the envelope provided, and, after closing the envelope, shall deliver it to the Attesting Officer.

(6) Neglect on the part of the elector to comply with any of these instructions shall render the vote invalid.

(7) If an elector is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the Attesting Officer shall assist him in such manner as may be necessary to mark the voting paper and to sign the declaration on the back thereof.

22. (1) The Attesting Officer shall, at the close of the day appointed for the attestation of voting papers, despatch all the envelopes so delivered to him to the Returning Officer by registered post in a packet securely sealed with his official seal.

(2) On the day following the Attesting Officer shall also despatch to the Returning Officer by registered post a list in Form IV annexed to this Schedule of the electors whose voting papers he has attested.

*Counting of votes and declaration of result.*

23. (1) On receiving the voting papers the Returning Officer shall examine them to see whether they have been correctly filled up.

(2) Where an elector records his vote on two or more voting papers, all such voting papers, except the one first received by the Attesting Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine

which of such papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall endorse "rejected" with the grounds for such rejection on any voting paper which he may reject on the ground that it is invalid under these rules, and, save as provided in rule 24 (4) or in Regulation XVI, such rejection shall be final.

(4) The Returning Officer shall then fold the lower portion of every paper, whether valid or invalid, along the dotted line on the back, so as to conceal the names of the elector and the Attesting Officer, and shall seal down the portion thus folded with his official seal.

24. (1) The Returning Officer shall attend for the purpose of counting the votes on such date and at such time and place as may be appointed by the Local Government in this behalf.

(2) Every candidate may be present in person, or may send a representative, duly authorised by him in writing, to watch the process of counting.

(3) The Returning Officer shall show the voting papers sealed as provided by rule 23 to the candidates or their representatives.

(4) If an objection is made to any voting paper on the ground that it is invalid under these rules, or to the rejection by the Returning Officer of any voting paper, it shall be decided at once by the Returning Officer whose decision shall be final, save as provided in Regulations VIII and XVI.

(5) In such cases the Returning Officer shall record on the voting paper the nature of the objection and his decision thereon.

25. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the largest number of votes has been given to be elected.

(2) Where an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

26. Upon the completion of the counting and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

#### *Publication of result.*

27. The Returning Officer shall without delay report the result of the election to the Secretary to the Government of Madras in the Legislative Department and also to the Secretary to the Government of India in the Legislative Department, and the name of the candidate elected shall be published in the Fort St. George Gazette and in the Gazette of India.

#### *Appointment of dates, times and places.*

28. The Local Government shall appoint, and shall notify, in such manner as it thinks fit, such date, and, if necessary, such time and place as it may think suitable for each of the following proceedings, namely:—

- (a) the attestation of nomination papers under rule 16;
- (b) the scrutiny of nomination papers under rule 19;
- (c) the attestation of voting papers under rule 21; and
- (d) the counting of votes under rule 24.





## FORM II.

(See rule 16.)

## NOMINATION PAPER.

1. Name of candidate.
2. Name of father, kárnáván or ejman.
3. Age.
4. Address.
5. Place of residence.
6. District under which the name of the candidate is entered in the electoral roll.
7. Number borne by candidate on the general electoral roll.
8. Signature of proposer.
9. Signature of seconder.

Signed in my presence on the      day of      19      by      and      who are personally known to me (or who have been identified to my satisfaction) as electors Nos.      and      in the extract relating to this district from the electoral roll of Landholders in the Presidency of Fort St. George for the election of an Additional Member to the Legislative Council of the Governor General.

STATION.

*Attesting Officer.*

DISTRICT.

Instructions.

1. Nomination papers must be attested by an Attesting Officer. Those not so attested are invalid.
2. They must be presented for attestation on the      day of      19      and between the hours of      and      at the office of

## FORM III.

(See rule 21.)

## VOTING PAPER.

One Additional Member is to be elected to the Legislative Council of the Governor General by the Landholders in the Presidency of Fort St. George. The following ( ) candidates have been duly nominated:—

Serial No.	Names of candidates.	Vote.

*Instructions.*

1. Each elector has one vote.
2. He shall vote by placing, or causing to be placed, the mark X opposite the name of the candidate whom he prefers.
3. The voting paper shall be invalid if the mark X is placed opposite the name of more than one candidate, or if it is so placed as to render it doubtful to which candidate such mark is intended to apply.
4. Before his vote is marked the elector shall sign the declaration on the back of the paper in the presence of the Attesting Officer, who shall attest his signature. Without such attestation the voting paper shall be invalid.
5. Voting papers shall be presented for attestation and marked and delivered to the Attesting Officer enclosed in the envelope to be supplied by him for the purpose between the hours of        and        on the        day of        19    .

I hereby declare that I am the person whose name appears as [ ]  
No. on the electoral roll of Landholders in the Presidency of Fort St. George  
for the election of an Additional Member to the Legislative Council of the Governor  
General.

C. N.,

*Elector.*

*(Fold on this line.)*

Signed in my presence by the elector, who is personally known to me (or  
who has been identified to my satisfaction).

X. Y.,

*Attesting Officer.*



## SCHEDULE VII.

[See Regulation II, sub-head (xi), and Regulation III.]

**RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER BY LANDHOLDERS IN THE PRESIDENCY OF BOMBAY.**

1. The Member specified in Regulation II, sub-head (xi), shall be elected in the order of rotation hereinafter specified by such—

- (a) Jagirdars and Zamindars of Sind,
- (b) Sardars of Gujarat, and
- (c) Sardars of the Deccan,

as are qualified to vote for the election of Additional Members of the Legislative Council of the Governor of Bombay.

2. The order of rotation in which each of the three abovementioned classes of landholders shall exercise its right of election shall be as follows, namely :—

- (1) the Sardars of Gujarat ;
- (2) the Jagirdars and Zamindars of Sind ;
- (3) the Sardars of the Deccan ;
- (4) the Jagirdars and Zamindars of Sind ;

and thereafter in the same order of rotation.

3. The rules for the election of an Additional Member of the Legislative Council of the Governor of Bombay by each of the abovementioned classes shall apply with the necessary modifications to the election by such class of a Member under this Schedule.

4. The result of the election in each case shall be reported to the Secretary to the Government of India in the Legislative Department, as well as to the Secretary of the Legislative Council of the Governor of Bombay, and the name of the candidate elected shall be published in the Gazette of India as well as in the local official Gazette.



## SCHEDULE VIII.

[See Regulation II, sub-head (xii), and Regulation III.]

RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER BY  
LANDHOLDERS IN THE PRESIDENCY OF BENGAL.*Preliminary.*

1. (1) "Attesting Officer" means such officer as the Local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the Attesting Officer under these rules, and includes any officer for the time being deputed by the Attesting Officer to perform such duties by an order in writing of which a copy shall be sent to the Returning Officer.

(2) "Returning Officer" means such officer as the Local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the Returning Officer under these rules, and includes any officer deputed for the time being by the Returning Officer to perform his duties.

*Qualifications of electors.*

2. The election of the Member specified in Regulation II, sub-head (xii), shall be made by landholders qualified to vote and having a place of residence within the Presidency of Bengal, who—

(a) pay land-revenue or road and public works cesses, as follows:—

(i) in the case of the Presidency and Burdwan Divisions, land-revenue amounting to not less than ten thousand rupees, or road and public works cesses amounting to not less than two thousand five hundred rupees per annum;

(ii) in the case of the Rajshahi, Dacca and Chittagong Divisions, land-revenue amounting to not less than five thousand rupees, or road and public works cesses amounting to not less than one thousand two hundred and fifty rupees per annum; or

(b) before the date of this Notification held titles conferred or recognised by the Government not lower in rank than that of Raja or Nawab:

Provided that no elector shall have more than one vote though he may possess more than one of the qualifications above described.

*Electoral roll.*

3. (1) On or before such date as may be appointed by the Local Government in this behalf, a draft electoral roll for each Division in Form I annexed to this Schedule shall be published by the Returning Officer in the local official Gazette.

(2) Any landholder whose name does not appear in any such draft, and who claims to have his name included therein, and any person who objects to the entry of any name in any such draft, may, within fifteen days after the publication of the draft under sub-rule (1) of this rule, forward to the Returning Officer, either direct or through the District Magistrate of the district in which he resides, or, if such landholder or person resides in Calcutta, through the Chief Presidency Magistrate, a statement of such claim or objection, as the case may be.

(3) The Returning Officer shall consider and decide upon all such claims or objections, and his decision shall be final.

(4) As soon as may be after the disposal of such claims and objections, the electoral rolls, as added to or altered by the Returning Officer, shall be published by him in the local official Gazette.

(5) As soon as may be after the publication of the roll for any Division in the local official Gazette, a copy thereof shall be posted in a conspicuous place at the office of every District Magistrate in such Division and, in the case of the Presidency Division, also at the office of the Chief Presidency Magistrate.

4. In determining the eligibility of a landholder as an elector—

(a) only such estates and shares of estates as are held by him as proprietor in his own right and not in a fiduciary capacity, and are

registered in his own name in registers maintained under the Land Registration Act, 1876, whether such estates or shares are situated in one or more Divisions, shall be taken into account ;

- (b) if the amount paid by the landholder in respect of any such share of an estate is not definitely known, the District Officer of the district in which such estate is situated shall estimate the amount so paid in respect of such share, and his decision shall be final ;
- (c) if a landholder pays land revenue or cesses in respect of estates or shares in estates situated in two or more Divisions, and if his payments in none of such Divisions reach the amount prescribed for that Division, his payments in all the Divisions shall be aggregated, and if such aggregate equals or exceeds the amount prescribed for the Division in which he makes the largest payment, he shall be entitled to be entered in the electoral roll for that Division.

5. The electoral rolls shall be conclusive evidence for the purpose of determining whether any person is an elector or not under these rules.

*Revision of electoral roll.*

6. (1) The electoral rolls published under rule 3 shall be subject to revision from time to time as the Local Government may, by notification in the local official Gazette, direct.

(2) At the time so notified any landholder whose name does not appear on any of the said electoral rolls and who claims to have his name included therein and any person who objects to the entry of any name in any such roll, may, within fifteen days after the publication of the notification under the last sub-rule, forward to the Returning Officer, either direct or through the District Magistrate of the district in which he resides or, if such landholder or person resides in Calcutta, through the Chief Presidency Magistrate, a statement of such claim or objection, as the case may be.

(3) The Returning Officer shall consider and decide upon all such claims or objections, and his decision shall be final.

(4) As soon as may be after the disposal of such claims and objections, the electoral rolls, as added to or altered on such revision, shall be published and posted as provided in rule 3.

*Qualifications and nomination of candidates.*

7. (1) Any person not ineligible for election under these Regulations whose name is on any of the electoral rolls may be nominated as a candidate for election.

(2) Such nomination shall be made by means of a nomination paper in Form II annexed to this Schedule, which shall be supplied by the Returning Officer to any elector asking for the same.

(3) Every nomination paper shall be subscribed by two electors as proposer and seconder :

Provided that no elector shall subscribe more than one nomination paper.

(4) Every nomination paper shall be presented for attestation on or before the date and at the time appointed by the Local Government in this behalf, and, if the Attesting Officer is satisfied that the nominee is willing to stand for election, shall be attested by the Attesting Officer in the manner prescribed on the face of the Form and without delay despatched by registered post to the Returning Officer.

(5) Nomination papers which are not received by the Returning Officer before the date and time appointed for the scrutiny of nomination papers shall be rejected.

8. (1) A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the Returning Officer not less than fourteen clear days before the date fixed for the attestation of voting papers ; or, if the period between the dates fixed for the scrutiny of nomination papers and the attestation of voting papers is less than fourteen clear days, not later than the date fixed for such scrutiny.

(2) The Returning Officer shall forthwith notify the withdrawal of any candidate in such manner as the Local Government may prescribe, and shall remove from the voting paper the name of the candidate who has withdrawn his candidature.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to stand as a candidate for the same election.

*Scrutiny of nomination papers.*

9. (1) On the date and at the time appointed by the Local Government for the scrutiny of nomination papers, every candidate and his proposer and seconder may attend at the place appointed, and the Returning Officer shall allow them to examine the nomination papers of all candidates which have been received by him as aforesaid.

(2) Where an elector subscribes two or more nomination papers, all such nomination papers, except the one first received by the Attesting Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such nomination papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall examine the nomination papers, and shall decide all objections which may be made to any nomination paper on the ground that it is not valid under these rules, and may reject, either of his own motion or on such objection, any nomination paper on such ground; the decision of the Returning Officer shall in every case be endorsed by him on the nomination paper in respect of which such decision is given, and shall be final save as provided in Regulations VIII and XVI.

*Voting.*

10. (1) If one duly nominated candidate only stands for election, the Returning Officer shall forthwith declare such candidate to be elected.

(2) If more duly nominated candidates than one stand for election, the Returning Officer shall forthwith publish their names in such manner as the Local Government may prescribe, and shall further cause their names to be entered in voting papers in Form III annexed to this Schedule.

(3) On or before such date as may be appointed by the Local Government in this behalf, the Returning Officer shall send by registered post to each elector one such voting paper signed by the Returning Officer:

Provided that such a voting paper shall also be supplied to any elector on his applying to the Returning Officer or the District Magistrate for the same at any time on or before the day appointed as the latest date for the attestation of voting papers, and that no election shall be invalidated by reason of the non-receipt by an elector of his voting paper.

(4) On or before such date as may be appointed by the Local Government in this behalf, but not later than 5 P. M. on that date, each elector desirous of recording his vote shall sign the declaration on the back of the voting paper in the presence of an Attesting Officer in accordance with the instructions on the face thereof, and the Attesting Officer shall attest his signature in the manner prescribed by the same instructions.

(5) The elector shall then proceed to a place screened from observation, which shall be provided by the Attesting Officer, and there record his vote on the voting paper in accordance with the instructions on the face thereof, and after placing the voting paper in an envelope and closing the same, shall deliver it to the Attesting Officer.

(6) Neglect on the part of the elector to comply with any of these instructions shall render the vote invalid.

(7) If an elector is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the Attesting Officer shall assist him in such manner as may be necessary to mark the voting paper and to sign the declaration on the back thereof.

(8) The Attesting Officer shall, at the close of the day appointed as the latest date for the attestation of voting papers, despatch all the envelopes so delivered to him to the Returning Officer by registered post, in a packet securely sealed with his official seal.

(c) On the day following the Attesting Officer shall also despatch to the Returning Officer by registered post a list, in Form IV annexed to this Schedule, of the electors whose voting papers he has attested.

*Counting of votes and declaration of result.*

11. (1) On receiving the voting papers the Returning Officer shall examine them to see whether they have been correctly filled up.

(2) Where an elector records his vote on two or more voting papers, all such voting papers, except the one first received by the Attesting Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall endorse "rejected" with the grounds for such rejection on any voting paper which he may reject on the ground that it is invalid under these rules, and, save as provided in rule 12 (4) or in Regulation XVI, such rejection shall be final.

(4) The Returning Officer shall then fold the lower portion of every paper whether valid or invalid, along the dotted line on the back, so as to conceal the names of the elector and the Attesting Officer, and shall seal down the portion thus folded with his official seal.

12. (1) The Returning Officer shall attend for the purpose of counting the votes on such date and at such time and place as may be appointed by the Local Government in this behalf.

(2) Every candidate may be present in person, or may send a representative, duly authorised by him in writing, to watch the process of counting.

(3) The Returning Officer shall show the voting papers sealed as provided by rule 11 to the candidates or their representatives.

(4) If an objection is made to any voting paper on the ground that it is invalid under these rules, or to the rejection by the Returning Officer of any voting paper, it shall be decided at once by the Returning Officer whose decision shall be final, save as provided in Regulations VIII and XVI.

(5) In such cases the Returning Officer shall record on the voting paper the nature of the objection and his decision thereon.

13. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the largest number of votes has been given to be elected.

(2) Where an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

14. Upon the completion of the counting, and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

*Publication of result.*

15. The Returning Officer shall without delay report the result of the election to the Chief Secretary to the Local Government and also to the Secretary to the Government of India in the Legislative Department, and the name of the candidate elected shall be published in the local official Gazette and in the Gazette of India.

*Appointment of dates, times and places.*

16. The Local Government shall appoint, and shall notify, in such manner as it thinks fit, such date, and, if necessary, such time and place as it may think suitable for each of the following proceedings, namely:—

- (a) the publication of drafts and electoral rolls under rule 3;
- (b) the revision of the electoral rolls under rule 6;
- (c) the attestation of nomination papers under rule 7;
- (d) the scrutiny of nomination papers under rule 9;
- (e) the sending of voting papers under rule 10;
- (f) the attestation of voting papers under rule 10; and
- (g) the counting of votes under rule 12.



## FORM II.

(See rule 7.)

## NOMINATION PAPER.

1. Name of candidate.
2. Father's name.
3. Age.
4. Address.
5. Signature of proposer.
6. Signature of seconder.

Signed in my presence by \_\_\_\_\_ and \_\_\_\_\_, who are personally known to me (or who have been identified to my satisfaction) as electors Nos. \_\_\_\_\_ and \_\_\_\_\_ on the electoral roll of Landholders for the Division in Bengal for the election of an Additional Member to the Legislative Council of the Governor General.

Attesting Officer.

Dated the \_\_\_\_\_

(Official designation.)

Instructions.

1. Nomination papers shall be attested by an Attesting Officer. Those not so attested shall be invalid.
2. They shall be presented for attestation at \_\_\_\_\_ on or before the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ and between the hours of \_\_\_\_\_ and \_\_\_\_\_.



## FORM III.

(See rule 10.)

## VOTING PAPER.

One Additional Member is to be elected to the Legislative Council of the Governor General by the Landholders in Bengal. The following ( ) candidates have been duly nominated :—

Serial No.	Names of candidates.	Vote.

*Returning Officer.*

*Instructions.*

1. Each elector has one vote.
2. He shall vote by placing, or causing to be placed, the mark X opposite the name of the candidate whom he prefers.
3. The voting paper shall be invalid if the mark X is placed opposite the name of more than one candidate, or if it is so placed as to render it doubtful to which candidate such mark is intended to apply.
4. Before his vote is marked the elector shall sign the declaration on the back of the paper in the presence of the Attesting Officer, who shall attest his signature. Without such attestation the voting paper shall be invalid.
5. Voting papers shall be presented for attestation and marked and delivered to the Attesting Officer enclosed in an envelope on or before the day of 19 and between the hours of and .

I hereby declare that I am the person whose name appears as No. on the electoral roll of Landholders for the Division in Bengal for the election of an Additional Member to the Legislative Council of the Governor General.

E. N.

*Elector.*

*(Fold on this line.)*

Signed in my presence by the elector, who is personally known to me (or who has been identified to my satisfaction).

X. Y.

*Attesting Officer.*  
*(Official designation.)*

*Dated the*



## SCHEDULE IX.

[See Regulation II, sub-head (xiii), and Regulation III.]

RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER BY LANDHOLDERS  
IN THE UNITED PROVINCES OF AGRA AND OUDH.

*Preliminary.*

1. (1) "Attesting Officer" means such officer as the Local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the Attesting Officer under these rules, and includes any officer deputed for the time being by the Attesting Officer to perform his duties.

(2) "Firm" means an association of two or more individuals trading jointly and not being registered under the Indian Companies Act, 1882, or any other law for the time being in force.

(3) "Returning Officer" means such officer as the Local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the Returning Officer under these rules, and includes any officer deputed for the time being by the Returning Officer to perform his duties.

2. (1) In the case of the second, fourth and succeeding alternate elections the Member specified in Regulation II, sub-head (xiii), shall be elected by the landholders of the Province of Oudh.

(2) In the case of the first, third and succeeding alternate elections—

(a) the Member specified in Regulation II, sub-head (xiii), shall be elected by the landholders of the Province of Agra, and

(b) the second Member specified in the said Regulation in connection with sub-head (xiii) shall be elected by Muhammadans entitled to vote as landholders in the Provinces of Oudh and Agra.

*Explanation.*—The expression "alternate elections" shall not be deemed to include elections to fill casual vacancies.

*A—Elections by Landholders in the Province of Oudh.*

3. (1) The election of the Member specified in rule 2, sub-rule (1), shall be made by the British Indian Association of Oudh at an extraordinary general meeting in the manner laid down for the time being in the bye-laws of the said Association for carrying resolutions or recording decisions upon questions of business brought before that body:

Provided that, where an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn at such meeting and in such manner as the Chairman thereof may determine.

(2) The result of the election shall be forthwith communicated by the said Association to the Chief Secretary to the Local Government and to the Secretary to the Government of India in the Legislative Department, and the name of the candidate elected shall be published in the local official Gazette and in the Gazette of India.

4. Any person not ineligible for election under these Regulations and having a place of residence in the Province of Oudh who is a member of the British Indian Association of Oudh may be elected under rule 3.

*B.—Elections by Landholders in the Province of Agra.**Qualifications of electors.*

5. The election of the Member specified in rule 2, sub-rule (2), clause (a), shall be made by all persons qualified to vote and having a place of residence in the Province of Agra, who—

- (a) own in that Province land in respect of which land-revenue amounting to not less than ten thousand rupees per annum is payable, or
- (b) own in that Province land free of land-revenue if the land-revenue nominally assessed on such land in order to determine the amount of rates payable in respect of the same, either taken by itself or in addition to land-revenue payable in respect of other land by such owners, amounts to not less than ten thousand rupees per annum, or
- (c) hold the title of Maharaja, Raja or Nawab conferred or recognised by the Government, or
- (d) hold the title of Rajwar, Rao Bahadur, Rao, Raj, Mirza Bahadur, Mirza, Khan Bahadur, Chaudhri, or Diwan if hereditary and recognised by the Government :

Provided that no elector shall have more than one vote, though he may possess more than one of the qualifications above described.

*Electoral roll.*

6. (1) On or before such date as may be appointed by the Local Government in this behalf, an electoral roll in Form I annexed to this Schedule shall be published by the Returning Officer in the local official Gazette.

(2) In the case of a Hindu joint-family or of a firm or company qualified under rule 5, clause (a) or clause (b), the name of the manager of the family, or of any person duly authorised in writing in this behalf by the firm or company shall be entered in the roll as the representative for the purposes of the roll of such family, firm or company, as the case may be.

(3) In determining the eligibility of a landholder as an elector, only land-revenue payable or nominally assessed in respect of such land or share in land as he may hold in his own personal right and not in a fiduciary capacity shall be taken into account.

(4) As soon as may be after the publication of the roll in the local official Gazette, an extract from the electoral roll relating to each district shall be posted in a conspicuous place at the office of the District Magistrate for such district.

7. The electoral roll shall be conclusive evidence for the purpose of determining whether any person is an elector or not under these rules.

*Revision of electoral roll.*

8. (1) The electoral roll published under rule 6 shall be subject to revision from time to time as the Local Government may, by notification in the local official Gazette, direct.

(2) At any time so notified the District Magistrate may of his own motion, and shall on the application of any person whose name appears on the said roll or who claims to have his name inserted therein, revise the said roll so far as it relates to his district.

(3) On such revision the District Magistrate, after such inquiry and after hearing such persons as may be necessary, may order any addition to or alteration in the electoral roll.

(4) An appeal shall lie from any such order of the District Magistrate to the Commissioner of the division, whose decision shall be final.

(5) Such appeal, if any, shall be preferred within one week from the date of the order appealed against :

Provided that the Commissioner may, for sufficient reason, extend the time to a period not exceeding three weeks.

(6) As soon as may be after the expiry of the period for appealing or, if an appeal is preferred, after the appeal has been disposed of, the electoral roll, as added to or altered on such revision, shall be published and posted as provided in rule 6.

*Qualifications and nomination of candidates.*

9. (1) Any person not ineligible for election under these Regulations whose name is on the electoral roll may be nominated as a candidate for election.

(2) Such nomination shall be made by means of a nomination paper in Form II annexed to this Schedule, which shall be supplied by an Attesting Officer to any elector asking for the same.

(3) Every nomination paper shall be subscribed by two electors as proposer and seconder:

Provided that no elector shall subscribe more than one nomination paper.

(4) Every nomination paper shall be presented for attestation on the date and at the time and place appointed by the Local Government in this behalf, and, if the Attesting Officer is satisfied that the nominee is willing to stand for election, shall be attested by the Attesting Officer in the manner prescribed on the face of the Form and without delay despatched by registered post to the Returning Officer.

10. Nomination papers which are not received by the Returning Officer before the date and time appointed for the scrutiny of nomination papers shall be rejected.

11. (1) A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the Returning Officer not less than fourteen clear days before the date fixed for the attestation of voting papers, or, if the period between the dates fixed for the scrutiny of nomination papers and the attestation of voting papers is less than fourteen clear days, not later than the date fixed for such scrutiny.

(2) The Returning Officer shall forthwith notify the withdrawal of any candidate in such manner as the Local Government may prescribe, and shall communicate the withdrawal to the Attesting Officer, who shall thereupon remove from the voting paper the name of the candidate who has withdrawn his candidature.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to stand as a candidate for the same election.

*Scrutiny of nomination papers.*

12. (1) On the date and at the time appointed by the Local Government for the scrutiny of nomination papers, every candidate and his proposer and seconder may attend at the place appointed, and the Returning Officer shall allow them to examine the nomination papers of all candidates which have been received by him as aforesaid.

(2) Where an elector subscribes two or more nomination papers, all such nomination papers, except the one first received by the Attesting Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such nomination papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall examine the nomination papers, and shall decide all objections which may be made to any nomination paper on the ground that it is not valid under these rules, and may reject, either of his own motion or on such objection, any nomination paper on such ground; the decision of the Returning Officer shall in every case be endorsed by him on the nomination paper in respect of which such decision is given, and shall be final save as provided in Regulations VIII and XVI.



*Voting.*

13. (1) If one duly nominated candidate only stands for election, the Returning Officer shall forthwith declare such candidate to be elected.

(2) If more duly nominated candidates than one stand for election, the Returning Officer shall forthwith publish their names in such manner as the Local Government may prescribe.

14. (1) Every elector desirous of recording his vote shall attend for the purpose at such place in the district under which his name appears in the electoral roll and on such date and at such time as may be appointed by the Local Government in this behalf.

(2) The Attesting Officer shall thereupon deliver to each elector a voting paper in Form III annexed to this Schedule, in which shall be entered the names of the candidates, together with an envelope for enclosing the same.

(3) The elector shall sign the declaration on the back of the paper in the presence of the Attesting Officer in accordance with the instructions on the face thereof, and the Attesting Officer shall attest his signature in the manner prescribed by the same instructions.

(4) The elector shall then proceed to a place screened from observation, which shall be provided by the Attesting Officer, and there mark his vote on the voting paper in accordance with the instructions on the face thereof.

(5) The elector shall then place the voting paper in the envelope provided, and, after closing the envelope, shall deliver it to the Attesting Officer.

(6) Neglect on the part of the elector to comply with any of these instructions shall render the vote invalid.

(7) If an elector is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the Attesting Officer shall assist him in such manner as may be necessary to mark the voting paper and to sign the declaration on the back thereof.

15. (1) The Attesting Officer shall, at the close of the day appointed for the attestation of voting papers, despatch all the envelopes so delivered to him to the Returning Officer by registered post in a packet securely sealed with his official seal.

(2) On the day following the Attesting Officer shall also despatch to the Returning Officer by registered post a list, in Form IV annexed to this Schedule, of the electors whose voting papers he has attested.

*Counting of votes and declaration of result.*

16. (1) On receiving the voting papers the Returning Officer shall examine them to see whether they have been correctly filled up.

(2) Where an elector records his vote on two or more voting papers, all such voting papers, except the one first received by the Attesting Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such papers was so received first—both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall endorse "rejected" with the grounds for such rejection on any voting paper which he may reject on the ground that it is invalid under these rules, and, save as provided in rule 17 (4) or in Regulation XVI, such rejection shall be final.

(4) The Returning Officer shall then fold the lower portion of every paper, whether valid or invalid, along the dotted line on the back, so as to conceal the names of the elector and the Attesting Officer, and shall seal down the portion thus folded with his official seal.

17. (1) The Returning Officer shall attend for the purpose of counting the votes on such date and at such time and place as may be appointed by the Local Government in this behalf.

(2) Every candidate may be present in person, or may send a representative, duly authorised by him in writing, to watch the process of counting.

(3) The Returning Officer shall show the voting papers sealed as provided by rule 10 to the candidates or their representatives.

(4) If an objection is made to any voting paper on the ground that it is invalid under these rules, or to the rejection by the Returning Officer of any voting paper, it shall be decided at once by the Returning Officer whose decision shall be final, save as provided in Regulations VIII and XVI.

(5) In such cases the Returning Officer shall record on the voting paper the nature of the objection and his decision thereon.

18. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the largest number of votes has been given to be elected.

(2) Where an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

19. Upon the completion of the counting, and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

#### *Publication of result.*

20. The Returning Officer shall without delay report the result of the election to the Chief Secretary to the Local Government and also to the Secretary to the Government of India in the Legislative Department, and the name of the candidate elected shall be published in the local official Gazette and in the Gazette of India.

#### *Appointment of dates, times and places.*

21. The Local Government shall appoint, and shall notify, in such manner as it thinks fit, such date, and, if necessary, such time and place as it may think suitable for each of the following proceedings, namely :—

- (a) the publication of the electoral roll under rule 6;
- (b) the attestation of nomination papers under rule 9;
- (c) the scrutiny of nomination papers under rule 12;
- (d) the attestation of voting papers under rule 14; and
- (e) the counting of votes under rule 17.

#### *C.—Elections by Muhammadans entitled to vote as Landholders in Oudh and Agra.*

22. The election of the Member specified in rule 2, sub-rule (2), clause (b), shall be made by all Muhammadans who are—

- (a) members of the British Indian Association of Oudh, or
- (b) entitled to vote under the provisions of rule 5.

23. The provisions of rules 6 to 21, both inclusive, shall apply, with the necessary modifications, to elections under rule 22.

(See rule 6.)

<b>Serial No. on roll.</b>	<b>Serial No. on district list.</b>	<b>Name of elector.</b>	<b>Father's name.</b>	<b>Address.</b>	<b>Qualifications.</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>

3. In determining the eligibility of a landholder as an elector, only land-revenue payable or nominally assessed in respect of such land or share in land as he may hold in his own personal right and not in a fiduciary capacity shall be taken into account.

## FORM II.

(See rule 9.)

## NOMINATION PAPER.

1. Name of candidate.
2. Father's name.
3. Age.
4. Address.
5. Signature of proposer.
6. Signature of seconder.

Signed in my presence by                      and                      who are personally known to me (or who have been identified to my satisfaction) as being the persons whose names appear as                      and                      on the electoral roll of Landholders in the Province of Agra for the election of an Additional Member to the Legislative Council of the Governor General.

*Attesting Officer.*

*Instructions.*

1. Nomination papers shall be attested by an Attesting Officer. Those not so attested shall be invalid.
2. They shall be presented for attestation on the                      day of                      , and between the hours of                      and                      , at the office of                      .

## FORM III.

(See rule 14.)

## VOTING PAPER.

One Additional Member is to be elected to the Legislative Council of the Governor General by the Landholders in the Province of Agra. The following ( ) candidates have been duly nominated :—

Serial No.	Names of candidates.	Vote.

*Instructions.*

1. Each elector has one vote.
2. He shall vote by placing, or causing to be placed, the mark x opposite the name of the candidate whom he prefers.
3. The voting paper shall be invalid if the mark x is placed opposite the name of more than one candidate, or if it is so placed as to render it doubtful to which candidate such mark is intended to apply.
4. Before his vote is marked the elector shall sign the declaration on the back of the paper in the presence of the Attesting Officer, who shall attest his signature. Without such attestation the voting paper shall be invalid.
5. Voting papers shall be presented for attestation and marked and delivered to the Attesting Officer enclosed in the envelope to be supplied by him for the purpose between the hours of        and        on the        day of        19        .

I hereby declare that I am the person whose name appears as [ ] No. on the electoral roll of Landholders in the Province of Agra for the election of an Additional Member to the Legislative Council of the Governor General.

C. N.

*Elector.*

---

*(Fold on this line.)*

Signed in my presence by the elector, who is personally known to me (or who has been identified to my satisfaction).

X. Y.,

*Attesting Officer.*



## FORM IV.

(See rule 15.)

## LIST OF THE ELECTORS WHOSE VOTING PAPERS HAVE BEEN ATTESTED BY

The following is a list of all the electors whose voting papers have been attested by me :—

Serial No.	Name of elector.	Address.

Attesting Officer.

## SCHEDULE X.

[See Regulation II, sub-head (xiv), and Regulation III.]

RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER BY  
LANDHOLDERS IN BIHAR AND ORISSA.*Preliminary.*

1. (1) "Attesting Officer" means such officer as the Local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the Attesting Officer under these rules, and includes any officer for the time being deputed by the Attesting officer to perform such duties by an order in writing of which a copy shall be sent to the Returning Officer.

(2) "Firm" means an association of two or more individuals trading jointly and not being registered under the Indian Companies Act, 1882, or any other law for the time being in force.

(3) "Returning Officer" means such officer as the Local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the Returning Officer under these rules, and includes any officer deputed for the time being by the Returning Officer to perform his duties.

*Qualifications of electors.*

2. The election of the Member specified in Regulation II, sub-head (xiv), shall be made by landholders qualified to vote and having a place of residence within the Province of Bihar and Orissa, who—

(a) pay land-revenue amounting to not less than ten thousand rupees, or road and public works cesses amounting to not less than two thousand five hundred rupees per annum; or

(b) before the date of this Notification held titles conferred or recognised by the Government not lower in rank than that of Raja or Nawab:

Provided that no elector shall have more than one vote though he may possess more than one of the qualifications above described.

*Electoral roll.*

3. (1) On or before such date as may be appointed by the Local Government in this behalf, a draft electoral roll for each Division in Form I annexed to this Schedule shall be published by the Returning Officer in the local official Gazette.

(2) Any landholder whose name does not appear in any such draft, and who claims to have his name included therein, and any person who objects to the entry of any name in any such draft, may, within fifteen days after the publication of the draft under sub-rule (1), forward to the Returning Officer, either direct or through the District Magistrate of the district in which he resides, a statement of such claim or objection, as the case may be.

(3) The Returning Officer shall consider and decide upon all such claims or objections, and his decision shall be final.

(4) As soon as may be after the disposal of such claims and objections, the electoral rolls, as added to or altered by the Returning Officer, shall be published by him in the local official Gazette.

(5) As soon as may be after the publication of the roll for any Division in the local official Gazette, a copy thereof shall be posted in a conspicuous place at the office of every District Magistrate in such division.

4. (1) In determining the eligibility of a landholder as an elector—

(a) only such estates and shares of estates as are held by him as proprietor in his own right and not in a fiduciary capacity, and are

registered in his own name in registers maintained under the Land Registration Act, 1876, whether such estates or shares are situated in one or more Divisions, shall be taken into account ;

(b) if the amount paid by the landholder in respect of any such share of an estate is not definitely known, the District Officer of the district in which such estate is situated shall estimate the amount so paid in respect of such share, and his decision shall be final ;

(c) if a landholder pays land-revenue or cesses in respect of estates or shares in estates situated in two or more Divisions, and if his total payments reach the amount prescribed in rule 2, he shall be entitled to be entered in the electoral roll for the Division in which he makes the largest payments.

(2) In the case of a Hindu joint-family or of a firm or company qualified under rule 2, the name of the manager of the family, or of any person duly authorised in writing in this behalf by the firm or company, shall be entered in the roll as the representative for the purposes of the roll of such family, firm or company, as the case may be.

5. The electoral rolls shall be conclusive evidence for the purpose of determining whether any person is an elector or not under these rules.

*Revision of electoral roll.*

6. (1) The electoral rolls published under rule 3 shall be subject to revision from time to time as the Local Government may, by notification in the local official Gazette, direct.

(2) At the time so notified any landholder whose name does not appear on any of the said electoral rolls, and who claims to have his name included therein, and any person who objects to the entry of any name in any such roll, may, within fifteen days after the publication of the notification under sub-rule (1), forward to the Returning Officer, either direct or through the District Magistrate of the district in which he resides, a statement of such claim or objection, as the case may be.

(3) The Returning Officer shall consider and decide upon all such claims or objections, and his decision shall be final.

(4) As soon as may be after the disposal of such claims and objections, the electoral rolls, as added to or altered on such revision, shall be published and posted as provided in rule 3.

*Qualifications and nomination of candidates.*

7. (1) Any person not ineligible for election under these Regulations whose name is on any of the electoral rolls may be nominated as a candidate for election.

(2) Such nomination shall be made by means of a nomination paper in Form II annexed to this Schedule, which shall be supplied by the Attesting Officer to any elector asking for the same.

(3) Every nomination paper shall be subscribed by two electors as proposer and seconder :

Provided that no elector shall subscribe more than one nomination paper.

(4) Every nomination paper shall be presented for attestation on or before the date and at the time appointed by the Local Government in this behalf, and, if the Attesting Officer is satisfied that the nominee is willing to stand for election, shall be attested by the Attesting Officer in the manner prescribed on the face of the Form and without delay despatched by registered post to the Returning Officer.

(5) Nomination papers which are not received by the Returning Officer before the date and time appointed for the scrutiny of nomination papers shall be rejected.

8. (1) A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the Returning Officer not less than fourteen clear days before the date fixed for the attestation of voting papers; or, if the period between the dates fixed for the scrutiny of nomination papers and the attestation of voting papers is less than fourteen clear days, not later than the date fixed for such scrutiny.

(2) The Returning Officer shall forthwith notify the withdrawal of any candidate in such manner as the Local Government may prescribe, and shall remove from the voting paper the name of the candidate who has withdrawn his candidature.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to stand as a candidate for the same election.

*Scrutiny of nomination papers.*

9. (1) On the date and at the time appointed by the Local Government for the scrutiny of nomination papers, every candidate and his proposer and seconder may attend at the place appointed, and the Returning Officer shall allow them to examine the nomination papers of all candidates which have been received by him as aforesaid.

(2) Where an elector subscribes two or more nomination papers, all such nomination papers, except the one first received by the Attesting Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such nomination papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall examine the nomination papers, and shall decide all objections which may be made to any nomination paper on the ground that it is not valid under these rules, and may reject, either of his own motion or on such objection, any nomination paper on such ground; the decision of the Returning Officer shall in every case be endorsed by him on the nomination paper in respect of which such decision is given, and shall be final save as provided in Regulations VIII and XVI.

*Voting.*

10. (1) If one duly nominated candidate only stands for election, the Returning Officer shall forthwith declare such candidate to be elected.

(2) If more duly nominated candidates than one stand for election, the Returning Officer shall forthwith publish their names in such manner as the Local Government may prescribe, and shall further cause their names to be entered in voting papers in Form III annexed to this Schedule.

(3) On or before such date as may be appointed by the Local Government in this behalf, the Returning Officer shall send by registered post to each elector one such voting paper signed by the Returning Officer:

Provided that such a voting paper shall also be supplied to any elector on his applying to the Returning Officer or the District Magistrate for the same at any time on or before the day appointed as the latest date for the attestation of voting papers, and that no election shall be invalidated by reason of the non-receipt by an elector of his voting paper.

(4) On or before such date as may be appointed by the Local Government in this behalf, but not later than 5 p.m. on that date, each elector desirous of recording his vote shall sign the declaration on the back of the voting paper in the presence of an Attesting Officer in accordance with the instructions on the face thereof, and the Attesting Officer shall attest his signature in the manner prescribed by the same instructions.

(5) The elector shall then proceed to a place screened from observation, which shall be provided by the Attesting Officer, and there record his vote on the voting paper in accordance with the instructions on the face thereof, and, after placing the voting paper in an envelope and closing the same, shall deliver it to the Attesting Officer.

(6) Neglect on the part of the elector to comply with any of these instructions shall render the vote invalid.

(7) If an elector is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the Attesting Officer shall assist him in such manner as may be necessary to mark the voting paper and to sign the declaration on the back thereof.

(8) The Attesting Officer shall, at the close of the day appointed as the latest date for the attestation of voting papers, despatch all the envelopes so delivered to him to the Returning Officer by registered post, in a packet securely sealed with his official seal.

(9) On the day following the Attesting Officer shall also despatch to the Returning Officer by registered post a list, in Form IV annexed to this Schedule, of the electors whose voting papers he has attested.

*Counting of votes and declaration of result.*

11. (1) On receiving the voting papers the Returning Officer shall examine them to see whether they have been correctly filled up.

(2) Where an elector records his vote on two or more voting papers, all such voting papers, except the one first received by the Attesting Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall endorse "rejected" with the grounds for such rejection on any voting paper which he may reject on the ground that it is invalid under these rules, and, save as provided in rule 12 (4) or in Regulation XVI, such rejection shall be final.

(4) The Returning Officer shall then fold the lower portion of every paper, whether valid or invalid, along the dotted line on the back, so as to conceal the names of the elector and the Attesting Officer, and shall seal down the portion thus folded with his official seal.

12. (1) The Returning Officer shall attend for the purpose of counting the votes on such date and at such time and place as may be appointed by the Local Government in this behalf.

(2) Every candidate may be present in person, or may send a representative, duly authorised by him in writing, to watch the process of counting.

(3) The Returning Officer shall show the voting papers sealed as provided by rule 11 to the candidates or their representatives.

(4) If an objection is made to any voting paper on the ground that it is invalid under these rules, or to the rejection by the Returning Officer of any voting paper, it shall be decided at once by the Returning Officer whose decision shall be final, save as provided in Regulations VIII and XVI.

(5) In such cases the Returning Officer shall record on the voting paper the nature of the objection and his decision thereon.

13. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the largest number of votes has been given to be elected.

(2) Where an equality of votes is found to exist between any candidates and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

14. Upon the completion of the counting, and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period

of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

*Publication of result.*

15. The Returning Officer shall without delay report the result of the election to the Chief Secretary to the Local Government and also to the Secretary to the Government of India in the Legislative Department, and the name of the candidate elected shall be published in the local official Gazette and in the Gazette of India.

*Appointment of dates, times and places.*

16. The Local Government shall appoint, and shall notify, in such manner as it thinks fit, such date, and, if necessary, such time and place as it may think suitable for each of the following proceedings, namely :—

- (a) the publication of drafts and electoral rolls under rule 3 ;
- (b) the revision of the electoral roll under rule 6 ;
- (c) the attestation of nomination papers under rule 7 ;
- (d) the scrutiny of nomination papers under rule 9 ;
- (e) the sending of voting papers under rule 10 ;
- (f) the attestation of voting papers under rule 10 ; and
- (g) the counting of votes under rule 12.



(See rule 3.)

ELECTORAL ROLL OF LANDHOLDERS FOR THE DIVISION IN BIHAR  
AND ORISSA FOR THE ELECTION OF AN ADDITIONAL MEMBER TO  
THE LEGISLATIVE COUNCIL OF THE GOVERNOR GENERAL.

[illegible]

## FORM II.

(See rule 7.)

## NOMINATION PAPER.

1. Name of candidate.
2. Father's name.
3. Age.
4. Address.
5. Signature of proposer.
6. Signature of seconder.

Signed in my presence by \_\_\_\_\_ and \_\_\_\_\_, who are personally known to me (or who have been identified to my satisfaction) as electors Nos. \_\_\_\_\_ and \_\_\_\_\_ on the electoral roll of Landholders for the Division in Bihar and Orissa for the election of an Additional Member to the Legislative Council of the Governor General.

*Attesting Officer.*

*(Official designation.)*

*Dated the* \_\_\_\_\_ .

*Instructions.*

1. Nomination papers shall be attested by an Attesting Officer. Those not so attested shall be invalid.
2. They shall be presented for attestation at \_\_\_\_\_ of \_\_\_\_\_ 19 \_\_\_\_\_ and between the hours of \_\_\_\_\_ on or before the \_\_\_\_\_ day and \_\_\_\_\_

## FORM III.

(See rule 10.)

## VOTING PAPER.

One Additional Member is to be elected to the Legislative Council of the Governor General by the Landholders in Bihar and Orissa. The following ( ) candidates have been duly nominated :—

Serial No.	Names of candidates.	Vote.

*Returning Officer.*

*Instructions.*

1. Each elector has one vote.
2. He shall vote by placing, or causing to be placed, the mark X opposite the name of the candidate whom he prefers.
3. The voting paper shall be invalid if the mark X is placed opposite the name of more than one candidate, or if it is so placed as to render it doubtful to which candidate such mark is intended to apply.
4. Before his vote is marked the elector shall sign the declaration on the back of the paper in the presence of the Attesting Officer, who shall attest his signature. Without such attestation the voting paper shall be invalid.
5. Voting papers shall be presented for attestation and marked and delivered to the Attesting Officer enclosed in an envelope on or before the day of 19 and between the hours of and .

I hereby declare that I am the person whose name appears as No. on the electoral roll of Landholders for the Division in Bihar and Orissa for the election of an Additional Member to the Legislative Council of the Governor General.

*(Fold on this line.)*

Signed in my presence by the elector, who is personally known to me (or who has been identified to my satisfaction).

Dated the .

Attesting Officer.

(Official designation.)

(See rule 10.)

LIST OF THE ELECTORS WHOSE VOTING PAPERS HAVE BEEN ATTESTED BY

The following is a list of all the electors whose voting papers have been attested by me:—

Serial No.	Name of elector.	Father's name.	Address of elector.
1	2	3	4

**Attesting Officer.**

(Official designation.)

## SCHEDULE XI.

[See Regulation II, sub-head (xv), and Regulation III].

RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER BY THE LAND-  
HOLDERS IN THE CENTRAL PROVINCES.

*Preliminary.*

1. (1) "Attesting Officer" means such officer as the Local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the Attesting Officer under these rules, and includes any officer deputed for the time being by the Attesting Officer to perform his duties.

(2) "Returning Officer" means such officer as the Local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the Returning Officer under these rules, and includes any officer deputed for the time being by the Returning Officer to perform his duties.

*Qualifications of electors.*

2. (1) The Member specified in Regulation II, sub-head (xv), shall be elected by the votes of delegates to be selected in the manner hereinafter prescribed by all persons qualified to vote and having a place of residence in the Central Provinces who hold land in those Provinces in proprietary right and—

(a) whose land is assessed to land-revenue at not less than five thousand rupees per annum; or

(b) whose names are entered in the Durbar list prepared under the authority of the Local Government; or

(c) who hold the office of Honorary Magistrate:

Provided that no person shall have more than one vote though he may possess more than one of the qualifications above described.

*Electoral roll.*

3. (1) On or before such date as may be appointed by the Local Government in this behalf, an electoral roll in Form I annexed to this Schedule shall be published by the Returning Officer in the local official Gazette.

(2) In the case of a Hindu joint-family qualified under rule 2, clause (a), the name of the manager of the family, or of any member of the family whom the manager may appoint in writing in this behalf, shall be entered in the roll as the representative, for the purposes of the roll, of such family.

(3) In determining the eligibility of a landholder as an elector, only land-revenue assessed on such land or share in land as he may hold in his own personal right and not in a fiduciary capacity shall be taken into account.

(4) A person who is qualified as an elector for two or more districts may choose the district in which he desires to vote, but shall not be entitled to have his name entered in the electoral roll of more than one district.

(5) As soon as may be after the publication of the roll in the local official Gazette, a copy thereof shall be posted in a conspicuous place at the office of every Deputy Commissioner.

4. The electoral roll shall be conclusive evidence for the purpose of determining whether any person is an elector or not under these rules.



*Revision of electoral roll.*

5. (1) The electoral roll published under rule 3 shall be subject to revision from time to time as the Local Government may, by notification in the local official Gazette, direct.

(2) At the time so notified the Deputy Commissioner may of his own motion, and shall on the application of any person whose name appears on the said roll or who claims to have his name inserted therein, revise the said roll so far as it relates to his district.

(3) On such revision the Deputy Commissioner, after such inquiry and after hearing such persons as may be necessary, may order any addition to or alteration in the electoral roll.

(4) An appeal shall lie from any such order of the Deputy Commissioner to the Commissioner of the division, whose decision shall be final.

(5) Such appeal, if any, shall be preferred within one week from the date of the order appealed against:

Provided, however, that the Commissioner may, for sufficient reason, extend the time to a period not exceeding three weeks.

(6) As soon as may be after the expiry of the period for appealing or, if an appeal is preferred, after the appeal has been disposed of, the electoral roll, as added to or altered on such revision, shall be published and posted as provided in rule 3.

*Selection of delegates.*

6. The number of delegates to be selected for each district shall be as follows:—

Nagpur District	...	...	4	Hoshangabad District	...	...	3
Bhandara "	...	...	2	Narsinghpur "	...	...	3
Chanda "	...	...	2	Nimar "	...	...	2
Wardha "	...	...	3	Betul "	...	...	1
Balaghat "	...	...	1	Chhindwara "	...	...	1
Jabalpur "	...	...	4	Raipur "	...	...	3
Saugor "	...	...	3	Bilaspur "	...	...	2
Damoh "	...	...	1	Drug "	...	...	3
Seoni "	...	...	1				
Mandla "	...	...	1				
						Total	40

7. On such date and at such time as may be appointed by the Local Government in this behalf, the persons whose names are entered in the electoral roll of each district shall meet at the headquarters of that district for the purpose of selecting from among themselves the number of delegates specified in rule 6.

8. (1) At such meeting the Attesting Officer shall attend, and, after explaining the rules, shall sign and deliver to each elector present a voting paper in Form II hereto annexed, and shall thereafter withdraw.

(2) The electors present shall then proceed to elect from among themselves a Chairman, who shall in the first instance state the number of delegates to be selected, and call upon such electors to nominate persons up to that number.

9. (1) Any person whose name is on the electoral roll may be nominated for selection as a delegate by any two other such persons as proposer and seconder, and the names of all persons so nominated and their respective proposers and seconds shall thereupon be entered by the Chairman in a list which shall be read out and signed by him.

(2) If the number of persons nominated does not exceed the number of delegates assigned to the district as aforesaid, such persons shall be deemed to be selected as delegates, and the Chairman shall forthwith inform the Attesting Officer of their names and addresses.

(3) If the number of persons nominated exceeds the number of delegates assigned as aforesaid, the electors present, including the Chairman, shall record their votes in the manner prescribed in the voting paper, and deliver the voting papers to the Chairman.

10. (1) The Chairman shall then inform the Attesting Officer, who shall thereupon return to the meeting, and the Chairman shall make over to him the list of candidates nominated, together with the voting papers.

(2) The Attesting Officer shall then examine the voting papers and count the votes in the presence of the electors, and shall endorse "rejected" on any voting paper which he may reject, and mark "discarded" against any vote which he may discard on the ground that it does not comply with the instructions on the voting paper.

11. (1) When the counting of the votes has been completed, the Attesting Officer shall forthwith declare the candidate or candidates to whom the largest numbers of votes have been given to be selected.

(2) Where an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any of the candidates to be declared selected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Attesting Officer and in such manner as he may determine.

12. Upon the completion of the counting, and after the result has been declared by him, the Attesting Officer shall seal up the voting papers and shall retain the same for a period of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

13. The Attesting Officer shall without delay report to the Returning Officer the names and addresses of the delegates selected, and the said names and addresses shall be published in such manner as the Local Government may prescribe.

#### *Qualifications and nomination of candidates.*

14. (1) Any person not ineligible for election under these Regulations whose name is on the electoral roll may be nominated as a candidate.

(2) Such nomination shall be made by means of a nomination paper in Form III annexed to this Schedule, which shall be supplied by an Attesting Officer to any elector asking for the same.

(3) Every nomination paper shall be subscribed by two electors as proposer and seconder :

Provided that no elector shall subscribe more than one nomination paper.

(4) Every nomination paper shall be presented for attestation on the date and at the time and place appointed by the Local Government in this behalf, and, if the Attesting Officer is satisfied that the nominee is willing to stand for election, shall be attested by the Attesting Officer in the manner prescribed on the face of the Form and without delay despatched by registered post to the Returning Officer.

15. Nomination papers which are not received by the Returning Officer before the date and time appointed for the scrutiny of nomination papers shall be rejected.

16. (1) A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the Returning Officer not less than fourteen clear days before the date fixed for the attestation of voting papers, or, if the period between the dates fixed for the scrutiny of nomination papers and the attestation of voting papers is less than fourteen clear days, not later than the date fixed for such scrutiny.

(2) The Returning Officer shall forthwith notify any such withdrawal in such manner as the Local Government may prescribe, and shall remove from the voting paper the name of the candidate who has withdrawn his candidature.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to stand as a candidate for the same election.

*Scrutiny of nomination papers.*

17. (1) On the date and at the time appointed by the Local Government for the scrutiny of nomination papers, every candidate and his proposer and seconder may attend at the place appointed, and the Returning Officer shall allow them to examine the nomination papers of all candidates which have been received by him as aforesaid.

(2) Where an elector subscribes two or more nomination papers, all such nomination papers, except the one first received by the Attesting Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such nomination papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall examine the nomination papers, and shall decide all objections which may be made to any nomination paper on the ground that it is not valid under these rules, and may reject, either of his own motion or on such objection, any nomination paper on such ground; the decision of the Returning Officer shall in every case be endorsed by him on the nomination paper in respect of which such decision is given, and shall be final save as provided in Regulations VIII and XVI.

*Voting.*

18. (1) If one duly nominated candidate only stands for election, the Returning Officer shall forthwith declare such candidate to be elected.

(2) If more duly nominated candidates than one stand for election, the Returning Officer shall forthwith publish their names in such manner as the Local Government may prescribe.

19. (1) On such date and at such time and place as the Local Government may appoint in this behalf, the delegates desirous of recording their votes shall attend for the purpose before the Returning Officer.

(2) The Returning Officer shall thereupon deliver to each delegate a voting paper in Form IV annexed to this Schedule, in which shall be entered the names of the candidates, together with an envelope for enclosing the same.

(3) The delegate shall then sign the declaration on the back of the paper in the presence of the Returning Officer in accordance with the instructions on the face thereof, and the Returning Officer shall attest his signature in the manner prescribed by the same instructions.

(4) The delegate shall then proceed to a place screened from observation, which shall be provided by the Returning Officer, and there record his vote on the voting paper in accordance with the instructions on the face thereof.

(5) The delegate shall then place the voting paper in the envelope provided, and, after closing the envelope, shall deliver it to the Returning Officer.



(6) Neglect on the part of the delegate to comply with any of these instructions shall render the vote invalid.

~~Any person incapacitated from recording his vote as required by the foregoing provisions of this rule, the Returning Officer shall assist him in such manner as may be necessary to mark the voting paper and to sign the declaration on the back thereof.~~

*Counting of votes and declaration of result.*

20. (1) On receiving the voting papers the Returning Officer shall examine them to see whether they have been correctly filled up.

(2) Where a delegate records his vote on two or more voting papers, all such voting papers, except the one first received by the Returning Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall endorse "rejected" with the grounds for such rejection on any voting paper which he may reject on the ground that it is invalid under these rules, and, save as provided in rule 21 (4) or in Regulation XVI, such rejection shall be final.

(4) The Returning Officer shall then fold the lower portion of every voting paper, whether valid or invalid, along the dotted line on the back, so as to conceal the name of the delegate, and shall seal down the portion thus folded with his official seal.

21. (1) The Returning Officer shall attend for the purpose of counting the votes on such date and at such time and place as may be appointed by the Local Government in this behalf.

(2) Every candidate may be present in person, or may send a representative, duly authorised by him in writing, to watch the process of counting.

(3) The Returning Officer shall show the voting papers sealed as provided by rule 20 to the candidates or their representatives.

(4) If an objection is made to any voting paper on the ground that it is invalid under these rules, or to the rejection by the Returning Officer of any voting paper, it shall be decided at once by the Returning Officer whose decision shall be final, save as provided in Regulations VIII and XVI.

(5) In such cases the Returning Officer shall record on the voting paper the nature of the objection and his decision thereon.

22. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the largest number of votes has been given to be elected.

(2) Where an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

23. Upon the completion of the counting, and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

*Publication of result.*

24. The Returning Officer shall without delay report the result of the election to the Chief Secretary to the Local Government and also to the Secretary to the Government of India in the Legislative Department, and the name of the candidate elected shall be published in the local official Gazette and in the Gazette of India.

*Appointment of dates, times and places.*

25. The Local Government shall appoint, and shall notify, in such manner as it thinks fit, such date, and, if necessary, such time and place as it may think suitable for each of the following proceedings, namely :—

- (a) the publication of the electoral roll under rule 3 ;
- (b) the selection of delegates under rule 7 ;
- (c) the attestation of nomination papers under rule 14 ;
- (d) the scrutiny of nomination papers under rule 17 ;
- (e) the attestation of voting papers under rule 19 ; and
- (f) the counting of votes under rule 21.

FORM 1.

(See rule 3)

ELECTORAL ROLL OF LANDHOLDERS IN THE CENTRAL PROVINCES FOR  
THE ELECTION OF AN ADDITIONAL MEMBER TO THE LEGISLATIVE  
COUNCIL OF THE GOVERNOR GENERAL.

DISTRICT.

[illegible]